

110TH CONGRESS  
1ST SESSION

# H. R. 3409

To create the conditions, structures, and supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Mr. HINOJOSA (for himself, Ms. CARSON, Mr. PAYNE, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DELAURO, Mrs. CHRISTENSEN, Ms. BERKLEY, Mr. AL GREEN of Texas, Mr. STARK, Mr. HOLT, Mrs. DAVIS of California, and Mr. DAVIS of Illinois) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, Energy and Commerce, Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To create the conditions, structures, and supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Place to Call Home  
5 Act".

**1 SEC. 2. TABLE OF CONTENTS.**

**2 The table of contents of this Act is as follows:**

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings; purpose.

**TITLE I—PREVENTION OF UNACCOMPANIED SITUATIONS AMONG YOUTH**

**Subtitle A—Reduction of Family Stressors Contributing to Unaccompanied Situations Among Youth**

- Sec. 101. Child abuse prevention and treatment programs.
- Sec. 102. Increase in funding for the promoting safe and stable families program.
- Sec. 103. Parental and youth substance abuse and mental illness.
- Sec. 104. Curtailment of involuntary separation of children from their families.

**Subtitle B—Equal Protection of Youth in Child Welfare System**

- Sec. 111. Expanded eligibility for foster care and adoption assistance.
- Sec. 112. Kinship guardianship assistance payments.
- Sec. 113. Flexibility to establish separate standards for relative foster family homes.
- Sec. 114. Application of standards to all children.
- Sec. 115. Eligibility for foster care maintenance payments and adoption assistance payments through age 20.
- Sec. 116. Youth access to the child welfare system.

**Subtitle C—Reduction of Youth Institutional Discharge Into Homelessness**

- Sec. 121. Discharge from child welfare system.
- Sec. 122. Receipt of certain juvenile justice formula grant funds conditioned on States' policies to ensure appropriate housing for juveniles released into the community and to reduce rates of runaways.
- Sec. 123. Discharge planning from private and public inpatient health facilities required for purposes of certain Substance Abuse and Mental Health programs and the Medicaid program.

**TITLE II—YOUTH EMERGENCY AND TRANSITIONAL HOUSING**

**Subtitle A—Runaway and Homeless Youth Act Programs**

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Basic center program.
- Sec. 204. Renovation.
- Sec. 205. Transitional living grant program.
- Sec. 206. Coordinating, training, research, and other activities.
- Sec. 207. Report.
- Sec. 208. National homeless youth awareness campaign.
- Sec. 209. Grants for research evaluation, demonstration, and service projects.
- Sec. 210. Sexual abuse prevention program.
- Sec. 211. Performance standards.
- Sec. 212. Appeals.

- Sec. 213. Definition.
- Sec. 214. Authorization of appropriations.
- Sec. 215. Loan forgiveness for runaway and homeless youth workers.

#### Subtitle B—HUD McKinney-Vento Programs

- Sec. 221. Definition of homeless individual.
- Sec. 222. Eligibility of activities to provide family support services under emergency shelter grants program .
- Sec. 223. Eligibility of family strengthening projects to prevent youth homelessness under supportive housing program.

#### Subtitle C—John H. Chafee Foster Care Independence Program

- Sec. 231. John H. Chafee Foster Care Independence Program.

#### Subtitle D—Youth Offender Reentry Grants Program

- Sec. 241. Establishment of program.
- Sec. 242. Applications.
- Sec. 243. Allotments to states.
- Sec. 244. Use of funds.
- Sec. 245. Penalties.
- Sec. 246. Data collection and performance measurement.
- Sec. 247. Evaluations.
- Sec. 248. Limitations on authorization of appropriations.
- Sec. 249. Educational and training vouchers.

#### Subtitle E—Transitional Housing Program for Youth Victims of Commercial Sexual Exploitation

- Sec. 251. Transitional housing assistance for youth victims of commercial sexual exploitation.

### TITLE III—YOUTH ACCESS TO SUPPORTIVE SERVICES

- Sec. 301. Work Opportunity Credit.
- Sec. 302. Unaccompanied youth access to Workforce Investment Activities.
- Sec. 303. Unaccompanied youth access to public health services.
- Sec. 304. Enhanced youth access to medical assistance under Medicaid.

### TITLE IV—YOUTH ACCESS TO ELEMENTARY AND SECONDARY EDUCATION

- Sec. 401. Increased access to 21st Century Community Learning Centers.
- Sec. 402. Education for homeless children and youths.
- Sec. 403. Grants to increase student attendance.

### TITLE V—YOUTH ACCESS TO POSTSECONDARY EDUCATION

- Sec. 501. Sense of Congress with respect to access to health care by minors at least 13 years of age.
- Sec. 502. Financial assistance for disconnected students.
- Sec. 503. Federal early outreach and student services programs for disconnected students.
- Sec. 504. Projects to increase enrollment and success of disconnected students in postsecondary education.
- Sec. 505. Continual access to student housing for homeless youth.

## TITLE VI—YOUTH PERMANENT HOUSING

- Sec. 601. Housing choice vouchers for rental assistance for homeless youth.
- Sec. 602. Family unification vouchers for transitioning foster care youth.
- Sec. 603. Inclusion of youth in housing plans.
- Sec. 604. Sense of Congress regarding right of minors to enter into contracts for necessities.
- Sec. 605. Transitional housing assistance for youth victims of commercial sexual exploitation.
- Sec. 606. GAO study of housing assistance for low-income youth.

## TITLE VII—YOUNG FAMILY CONCERNS

- Sec. 701. TANF State plan amendment.
- Sec. 702. Adult-supervised living arrangements.
- Sec. 703. Suspension of time limit for young adult parent involved in education or training.
- Sec. 704. Transitional compliance.
- Sec. 705. Sanction protections for minor parents.
- Sec. 706. Teen parent study and report.
- Sec. 707. Amendment to Child Care and Development Block Grant Act of 1990.

## TITLE VIII—UNACCOMPANIED IMMIGRANT YOUTH

- Sec. 801. Definitions.

## Subtitle A—Custody, Release, Family Reunification, and Detention

- Sec. 811. Procedures when encountering unaccompanied alien children.
- Sec. 812. Family reunification for unaccompanied alien children with relatives in the United States.
- Sec. 813. Appropriate conditions for detention of unaccompanied alien children.
- Sec. 814. Repatriated unaccompanied alien children.
- Sec. 815. Establishing the age of an unaccompanied alien child.
- Sec. 816. Effective date.

## Subtitle B—Access by Unaccompanied Alien Children to Child Advocates and Counsel

- Sec. 821. Child advocates.
- Sec. 822. Counsel.
- Sec. 823. Preservation of law enforcement authority.
- Sec. 824. Effective date; applicability.

## Subtitle C—Strengthening Policies for Permanent Protection of Alien Children

- Sec. 831. Special immigrant juvenile classification.
- Sec. 832. Training for officials and certain private parties who come into contact with unaccompanied alien children.
- Sec. 833. Report.
- Sec. 834. Effective date.

## Subtitle D—Children Refugee and Asylum Seekers

- Sec. 841. Guidelines for Children's Asylum Claims.
- Sec. 842. Unaccompanied refugee children.

Sec. 843. Exceptions for unaccompanied alien children in asylum and refugee-like circumstances.

Subtitle E—Authorization of Appropriations

Sec. 851. Authorization of appropriations.

Subtitle F—Amendments to the Homeland Security Act of 2002

Sec. 861. Additional responsibilities and powers of the Office of Refugee Resettlement with respect to unaccompanied alien children.

Sec. 862. Technical corrections.

Sec. 863. Effective date.

TITLE IX—JUVENILE STATUS OFFENDERS

Sec. 901. Deinstitutionalization of status offenders.

1 **SEC. 3. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) Preventing and ending unaccompanied situ-  
4 ations among the Nation’s youth is a family, com-  
5 munity, State, and national concern.

6 (2) The population of unaccompanied youth in-  
7 cludes individuals who are not more than age 18 and  
8 who are not in the physical custody of a parent or  
9 legal guardian, and individuals not less than age 18  
10 and not more than age 25 who are experiencing  
11 homelessness.

12 (3) The prevalence of unaccompanied situations  
13 among youth in the Nation is staggering, with stud-  
14 ies suggesting that between 1,600,000 and  
15 2,800,000 unaccompanied young people experience  
16 homelessness each year.

17 (4) Running away from home or from custodial  
18 institutions is widespread, with 1 out of every 7 chil-

1       dren in the United States running away before the  
2       age of 18.

3           (5) Youth who end up on the streets or in  
4       emergency shelters are those who have been left or  
5       evicted from their homes by their families due to se-  
6       vere family conflict, an adult family member's sub-  
7       stance abuse or mental illness, violence in the house-  
8       hold, the youth's sexual orientation, the youth's  
9       pregnant or parenting status, or the youth's delin-  
10      quent behavior; who have been physically, sexually,  
11      or emotionally abused at home; who have been sepa-  
12      rated from their families for economic reasons, in-  
13      cluding the whole family's homelessness; who have  
14      been discharged by State custodial systems without  
15      adequate transition plans; who have lost their par-  
16      ents through death, incarceration, or divorce; and  
17      who are young adults with incomes that are too low  
18      to secure their basic needs.

19           (6) The future well-being of the Nation is de-  
20      pendent on the value placed on all young people, in-  
21      cluding youth in unaccompanied situations, and the  
22      opportunities provided for youth to acquire the  
23      knowledge, skills, and abilities necessary to develop  
24      into safe, healthy, and productive adults.

1           (7) Many of the supports and services needed  
2           to prevent and end unaccompanied situations among  
3           youth are also important for assisting domiciled  
4           youth in high risk situations and for strengthening  
5           fragile families.

6           (8) It is imperative that the United States Gov-  
7           ernment and the States provide unaccompanied  
8           youth and youth in high risk situations with the sup-  
9           ports and services they need to prevent and end un-  
10          accompanied situations.

11          (9) The Nation's unaccompanied youth deserve  
12          permanency, which is understood to include a lasting  
13          connection to loving families, caring adults, and sup-  
14          portive peers; a safe place to live; and the possession  
15          of skills and resources necessary for a life of phys-  
16          ical and mental wellness, continuous asset-building,  
17          dignity, and joy.

18          (b) PURPOSE.—The purpose of the Act is to create  
19          the conditions, structures, and supports needed to ensure  
20          permanency for the Nation's unaccompanied youth.

1 **TITLE I—PREVENTION OF UNAC-**  
2 **COMPANIED SITUATIONS**  
3 **AMONG YOUTH**

4 **Subtitle A—Reduction of Family**  
5 **Stressors Contributing to Unac-**  
6 **companied Situations Among**  
7 **Youth**

8 **SEC. 101. CHILD ABUSE PREVENTION AND TREATMENT**  
9 **PROGRAMS.**

10 (a) **ADVISORY BOARD ON CHILD ABUSE AND NE-**  
11 **GLECT.**—Section 102(c) of the Child Abuse Prevention  
12 and Treatment Act (42 U.S.C. 5101(c)) is amended—

13 (1) by redesignating paragraphs (8) through  
14 (13) as paragraphs (9) through (14), respectively;  
15 and

16 (2) by inserting after paragraph (7) the fol-  
17 lowing:

18 “(8) organizations with expertise in runaway  
19 and homeless children and youth;”.

20 (b) **DISCRETIONARY GRANTS.**—Section 105(b) of  
21 such Act (42 U.S.C. 5106(b)) is amended—

22 (1) by redesignating paragraph (5) as para-  
23 graph (6); and

24 (2) by inserting after paragraph (4) the fol-  
25 lowing:

1           “(5) Programs and projects to preserve, sup-  
2           port or reunify families in which a child or youth  
3           member is a runaway, homeless, or street youth or  
4           at high risk of becoming a runaway, homeless, or  
5           street youth.”.

6           (c) GENERAL PROGRAM AUTHORIZATION OF APPRO-  
7           PRIATIONS.—

8           (1) IN GENERAL.—Section 112(a)(1) of such  
9           Act (42 U.S.C. 5106h(a)(1)) is amended—

10                   (A) by striking “2004” and inserting  
11                   “2009”; and

12                   (B) by striking “2005 through 2008” and  
13                   inserting “2010 through 2013”.

14           (2) EFFECTIVE DATE.—The amendment made  
15           by paragraph (1) shall take effect on September 30,  
16           2008.

17           (d) COMMUNITY-BASED GRANTS PROGRAM AUTHOR-  
18           IZATION OF APPROPRIATIONS.—

19           (1) IN GENERAL.—Section 210 of such Act (42  
20           U.S.C. 5116i) is amended—

21                   (A) by striking “2004” and inserting  
22                   “2009”; and

23                   (B) by striking “2005 through 2008” and  
24                   inserting “2010 through 2013”.

1           (2) EFFECTIVE DATE.—The amendment made  
2           by paragraph (1) shall take effect on September 30,  
3           2008.

4 **SEC. 102. INCREASE IN FUNDING FOR THE PROMOTING**  
5 **SAFE AND STABLE FAMILIES PROGRAM.**

6           Section 436(a) of the Social Security Act (42 U.C.S.  
7 629f(a)) is amended by striking “\$345,000,000” and in-  
8 serting “\$505,000,000”.

9 **SEC. 103. PARENTAL AND YOUTH SUBSTANCE ABUSE AND**  
10 **MENTAL ILLNESS.**

11           (a) SUBSTANCE ABUSE PREVENTION AND TREAT-  
12 MENT PERFORMANCE PARTNERSHIP BLOCK GRANT PRO-  
13 GRAM.—Section 1935(a) of the Public Health Service Act  
14 (42 U.S.C. 300x–35(a)) is amended—

15           (1) by striking “and” before “such sums”; and

16           (2) by inserting “, and \$2,500,000,000 for each  
17 of fiscal years 2008 through 2012” before the period  
18 at the end.

19           (b) PRIORITY SUBSTANCE ABUSE TREATMENT  
20 NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.—

21 Section 509(f) of the Public Health Service Act (42 U.S.C.  
22 290bb–2(f)) is amended—

23           (1) by striking “and such sums” and inserting  
24           “, such sums”; and

1           (2) by inserting “, and \$350,000,000 for each  
2           of fiscal years 2008 through 2012” before the period  
3           at the end.

4           (c) PRIORITY SUBSTANCE ABUSE PREVENTION  
5           NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.—  
6           Section 516(f) of the Public Health Service Act (42 U.S.C.  
7           290bb–22(f)) is amended—

8           (1) by striking “and” before “such sums”; and  
9           (2) by inserting “, and \$350,000,000 for each  
10          of fiscal years 2008 through 2012” before the period  
11          at the end.

12          (d) BLOCK GRANTS FOR COMMUNITY MENTAL  
13          HEALTH SERVICES.—Section 1920(a) of the Public  
14          Health Service Act (42 U.S.C. 300x–9(a)) is amended—

15          (1) by striking “and” before “such sums”; and  
16          (2) by inserting “, and \$500,000,000 for each  
17          of fiscal years 2008 through 2012” before the period  
18          at the end.

19          (e) PRIORITY MENTAL HEALTH NEEDS OF RE-  
20          GIONAL AND NATIONAL SIGNIFICANCE.—Section  
21          520A(f)(1) of the Public Health Service Act (42 U.S.C.  
22          290bb–32(f)(1)) is amended—

23          (1) by striking “and” before “such sums”; and

1           (2) by inserting “, and \$350,000,000 for each  
2           of fiscal years 2008 through 2012” before the period  
3           at the end.

4           (f) GRANTS FOR STRENGTHENING FAMILIES.—Sec-  
5           tion 519A(j) of the Public Health Service Act (42 U.S.C.  
6           290bb–25a(j)) is amended—

7           (1) by striking “and” before “such sums”; and

8           (2) by inserting “\$20,000,000 for each of fiscal  
9           years 2008 through 2012” before the period at the  
10          end.

11   **SEC. 104. CURTAILMENT OF INVOLUNTARY SEPARATION OF**  
12                                   **CHILDREN FROM THEIR FAMILIES.**

13          (a) CONDITION ON RECEIPT OF FEDERAL FOSTER  
14          CARE OR ADOPTION ASSISTANCE FUNDS THAT STATE  
15          NOT PLACE A CHILD IN FOSTER CARE BECAUSE THE  
16          CHILD’S FAMILY IS HOMELESS OR LIVING IN SUB-  
17          STANDARD HOUSING.—Section 471(a) of the Social Secu-  
18          rity Act (42 U.S.C. 671(a)) is amended—

19               (1) by striking “and” at the end of paragraph  
20               (26);

21               (2) by striking the period at the end of para-  
22               graph (27) and inserting “; and”; and

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

1           “(28) provide that the State shall have in effect  
2           such laws and procedures as are necessary to ensure  
3           that—

4                   “(A) a child may not be placed in foster  
5                   care under the responsibility of the State solely  
6                   because the family with which the child is living  
7                   is homeless (as defined in paragraph (2) of sec-  
8                   tion 725 of the McKinney-Vento Homeless As-  
9                   sistance Act (42 U.S.C. 11434a)) or living in  
10                  substandard housing (as defined in section  
11                  204(b)(11) of the National Housing Act) or a  
12                  dwelling unit that is experiencing severe phys-  
13                  ical problems (as defined in subparagraph (F)  
14                  of such section); and

15                   “(B) the State will work with the family  
16                   and State housing authorities to secure perma-  
17                   nent housing for any family that includes a  
18                   minor child and is homeless or at risk of becom-  
19                   ing homeless.”.

20           (b) STATE DEMONSTRATION GRANTS FOR FAMILY  
21           VIOLENCE SERVICES.—Section 303(a)(2) of the Family  
22           Violence Prevention and Services Act (42 U.S.C.  
23           10402(a)(2)) is amended—

24                   (1) by redesignating subparagraph (G) as sub-  
25                   paragraph (H); and

1           (2) by inserting after subparagraph (F) the fol-  
2           lowing:

3                   “(G) provide documentation that proce-  
4                   dures have been developed and implemented re-  
5                   garding admission to shelters whereby child and  
6                   youth members of a family or household unit  
7                   are permitted to remain with the whole family  
8                   or household unit; and”.

9           (c) SHELTER PROGRAMS.—

10           (1) FEMA EMERGENCY FOOD AND SHELTER  
11           GRANTS PROGRAM.—

12                   (A) PURPOSES OF GRANTS.—Section  
13                   313(b)(1) of the McKinney-Vento Homeless As-  
14                   sistance Act (42 U.S.C. 11343(b)(1)) is amend-  
15                   ed by inserting before the semicolon the fol-  
16                   lowing: “that establish and implement policies  
17                   regarding admission to the program whereby  
18                   child and youth members of a family or house-  
19                   hold unit are permitted to remain with the  
20                   whole family or household unit”.

21                   (B) PROGRAM GUIDELINES.—Subsection  
22                   (a) of section 316 of the McKinney-Vento  
23                   Homeless Assistance Act (42 U.S.C. 11346(a))  
24                   is amended—

1 (i) in paragraph (5), by striking  
2 “and” at the end;

3 (ii) in paragraph (6), by striking the  
4 period at the end and inserting “; and”;  
5 and

6 (iii) by adding at the end the fol-  
7 lowing new paragraph :

8 “(7) guidelines prohibiting any private non-  
9 profit organization and local government carrying  
10 out a local emergency food and shelter program with  
11 amounts provided under this subtitle from excluding,  
12 from admission into any family shelter provided in  
13 connection with the program, any family or house-  
14 hold on the basis that such family or household in-  
15 cludes any minor, unless the organization or govern-  
16 ment provides such assurances, as the National  
17 Board shall require, that an appropriate alternative  
18 living arrangement for the whole family or household  
19 unit has been secured.”.

20 (2) HUD HOMELESS PROGRAMS.—

21 (A) IN GENERAL.—Subtitle A of title IV of  
22 the McKinney-Vento Homeless Assistance Act  
23 (42 U.S.C. 11361 et seq.) is amended by add-  
24 ing at the end the following new section:

1 **“SEC. 403. PROHIBITION OF INVOLUNTARY SEPARATION OF**  
2 **YOUTH FROM THEIR FAMILIES.**

3 “In the case of any housing or shelter for families  
4 provided using any amounts from a grant under this title,  
5 no family or household may be excluded from admission  
6 into such housing or shelter on the basis that such family  
7 or household includes any minor, unless the State or local  
8 government, private nonprofit organization, or other entity  
9 administering such housing or shelter provides such assur-  
10 ances, as the Secretary shall by regulation require, that  
11 an appropriate alternative living arrangement for the  
12 whole family or household unit has been secured.”.

13 (B) EMERGENCY SHELTER GRANTS PRO-  
14 GRAM.—Section 415(c) of the McKinney-Vento  
15 Homeless Assistance Act (42 U.S.C. 11375(c))  
16 is amended—

17 (i) in subparagraph (6), by striking  
18 “and” at the end;

19 (ii) in paragraph (7), by striking the  
20 period at the end and inserting “; and”;  
21 and

22 (iii) by adding at the end the fol-  
23 lowing new paragraph:

24 “(8) it will, in the case of assistance involving  
25 solely activities described in paragraphs (2) and (3)  
26 of section 414(a), develop and implement procedures

1 regarding admission to the family emergency shelter  
2 whereby child and youth members of a family or  
3 household unit are permitted to remain with the  
4 whole family or household unit.”.

5 (d) PROTECTING HOUSEHOLD MEMBERS WITHOUT  
6 RECORDS FROM FEDERAL ONE-STRIKE EVICTION AND  
7 SCREENING LAWS.—

8 (1) PUBLIC HOUSING LEASE PROVISIONS RE-  
9 QUIRING EVICTION FOR CRIMINAL ACTIVITY.—Para-  
10 graph (6) of section 6(l) of the United States Hous-  
11 ing Act of 1937 (42 U.S.C. 1437d(l)(6)) is amended  
12 by inserting before the first semicolon the following:  
13 “, eviction, or removal of the tenant, member, or  
14 guest or other person under the tenant’s control,  
15 who is engaged in the criminal activity or drug-re-  
16 lated criminal activity”.

17 (2) PUBLIC HOUSING LEASE PROVISIONS RE-  
18 GARDING FUGITIVE FELONS AND PAROLE VIOLA-  
19 TORS.—Paragraph (9) of section 6(l) of the United  
20 States Housing Act of 1937 (42 U.S.C. 1437d(l)(9))  
21 is amended—

22 (A) by redesignating the provision fol-  
23 lowing subparagraph (A) (designated as para-  
24 graph (2) and relating to violating a condition  
25 of probation or parole) as subparagraph (B)

1 and realigning such provision so that the left  
2 margin is aligned with the left margin of sub-  
3 paragraph (A); and

4 (B) in the matter after and below subpara-  
5 graph (B) (as so redesignated by subparagraph  
6 (A) of this paragraph), by adding at the end  
7 the following: “Notwithstanding any other pro-  
8 vision of this paragraph, an owner or manager  
9 shall bifurcate a lease under this subsection or  
10 remove a household member from a lease under  
11 this subsection, without regard to whether a  
12 household member is a signatory to the lease,  
13 in order to evict, remove, terminate occupancy  
14 rights, or terminate assistance to any individual  
15 who is a tenant or lawful occupant and who is  
16 fleeing to avoid prosecution, or custody or con-  
17 finement after conviction or violating a condi-  
18 tion of probation or parole, without evicting, re-  
19 moving, terminating occupancy rights, termi-  
20 nating assistance to, or otherwise penalizing  
21 other household members.”.

22 (3) SECTION 8 LEASE TERMS REQUIRING EVIC-  
23 TION FOR CRIMINAL ACTIVITY.—Clause (iii) of sec-  
24 tion 8(d)(1)(B) of the United States Housing Act of  
25 1937 (42 U.S.C. 1437f(d)(1)(B)(iii)) is amended by

1 inserting after “termination of tenancy,” the fol-  
2 lowing: “eviction, or removal of the tenant, member,  
3 or guest or other person under the tenant’s control,  
4 who is engaged in the criminal activity or drug-re-  
5 lated criminal activity,”.

6 (4) SECTION 8 LEASE TERMS REGARDING FUGI-  
7 TIVE FELONS AND PAROLE VIOLATORS.—Clause (v)  
8 of section 8(d)(1)(B) of the United States Housing  
9 Act of 1937 (42 U.S.C. 1437f(d)(1)(B)(v)) is  
10 amended—

11 (A) by realigning such clause so that the  
12 left margin is aligned with the left margin of  
13 clause (iv); and

14 (B) by inserting after and below subclause  
15 (II) the following:

16 “Notwithstanding any other provision of  
17 this clause, an owner or manager shall bi-  
18 furcate a lease under this subparagraph or  
19 remove a household member from a lease  
20 under this subparagraph, without regard  
21 to whether a household member is a signa-  
22 tory to a lease, in order to evict, remove,  
23 terminate occupancy rights, or terminate  
24 assistance to any individual who is a ten-  
25 ant or lawful occupant and who is fleeing

1 to avoid prosecution, custody or confine-  
2 ment after conviction or violating a condi-  
3 tion of probation or parole, without evict-  
4 ing, removing, terminating occupancy  
5 rights, terminating assistance to, or other-  
6 wise penalizing other household mem-  
7 bers.”.

8 (5) VOUCHER PROGRAM LEASE TERMS REQUIR-  
9 ING EVICTION FOR CRIMINAL ACTIVITY.—Subpara-  
10 graph (D) of section 8(o)(7) of the United States  
11 Housing Act of 1937 (42 U.S.C. 1437f(o)(7)(D)) is  
12 amended by inserting before the first semicolon the  
13 following: “, eviction, or removal of the tenant, mem-  
14 ber, or guest or other person under the tenant’s con-  
15 trol, who is engaged in the criminal activity or drug-  
16 related criminal activity.”

17 (6) INELIGIBILITY OF ILLEGAL DRUG USERS  
18 AND ALCOHOL ABUSERS.—Paragraph (1) of section  
19 576(b) of the Quality Housing and Work Responsi-  
20 bility Act of 1998 is amended by striking “for any  
21 household with a member” and inserting “of any  
22 household member”.

23 (7) AUTHORITY TO DENY ADMISSION TO CRIMI-  
24 NAL OFFENDERS.—Paragraph (1) of section 576(c)  
25 of the Quality Housing and Work Responsibility Act

1 of 1998 is amended by striking “such applicant”  
2 and inserting “the member of the applicant’s house-  
3 hold who was engaging in such activity”.

4 (8) INELIGIBILITY OF DANGEROUS SEX OF-  
5 FENDERS.—Subsection (a) of section 578 of the  
6 Quality Housing and Work Responsibility Act of  
7 1998 (42 U.S.C. 13663(a)) is amended to read as  
8 follows:

9 “(a) IN GENERAL.—Notwithstanding any other pro-  
10 vision of law, an owner of federally assisted housing shall  
11 prohibit admission to such housing of any individual who  
12 is subject to a lifetime registration requirement under a  
13 State sex offender registration program.”.

14 **Subtitle B—Equal Protection of**  
15 **Youth in Child Welfare System**

16 **SEC. 111. EXPANDED ELIGIBILITY FOR FOSTER CARE AND**  
17 **ADOPTION ASSISTANCE.**

18 (a) FOSTER CARE.—

19 (1) ELIMINATION OF INCOME ELIGIBILITY RE-  
20 QUIREMENT.—

21 (A) IN GENERAL.—Section 472(a) of the  
22 Social Security Act (42 U.S.C. 672(a)) is  
23 amended—

24 (i) in paragraph (1), by striking  
25 “—” and all that follows and inserting

1 “the removal and foster care placement  
2 met, and continues to meet the require-  
3 ments of paragraph (2).”; and

4 (ii) by striking paragraphs (3) and  
5 (4).

6 (B) CONFORMING AMENDMENT.—Section  
7 470 of such Act (42 U.S.C. 670) is amended by  
8 striking “who otherwise would have been eligi-  
9 ble for assistance under the State’s plan ap-  
10 proved under part A (as such plan was in effect  
11 on June 1, 1995)”.

12 (2) FOSTER CARE MAINTENANCE PAYMENTS  
13 MATCH RATE.—Section 474 of such Act (42 U.S.C.  
14 674) is amended—

15 (A) in subsection (a)(1), by inserting “,  
16 subject to subsection (g)(1)” before the semi-  
17 colon; and

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

19 “(g)(1)(A) The Secretary shall reduce the percentage  
20 by which expenditures referred to in subsection (a)(1) are  
21 reimbursed, by such equal percentage for all States as may  
22 be necessary to ensure that—

23 “(i) the ratio, for any calendar quarter, of  
24 the total of the amounts payable to States  
25 under such subsection to the total of all

1 amounts expended by the States as foster care  
2 maintenance payments (whether or not eligible  
3 for reimbursement under this part), excluding  
4 any expenditure made from other funds pro-  
5 vided by the Federal Government or from State  
6 funds with respect to which matching funds are  
7 provided by the Federal Government; equals

8 “(ii) the average such ratio for the 12  
9 quarters most recently preceding the effective  
10 date of this subsection.

11 “(B) The Secretary shall establish procedures to  
12 allow States to submit to the Secretary supplemental  
13 claims for reimbursement of expenditures referred to in  
14 subsection (a)(1) incurred during the 3-year period begin-  
15 ning with the effective date of this subsection.

16 “(C) The Secretary shall pay a claim submitted pur-  
17 suant to subparagraph (B) with respect to an expenditure,  
18 to the extent that, in the absence of this paragraph, an  
19 amount would be payable under this part with respect to  
20 the expenditure.

21 “(D) For each State with respect to which a claim  
22 has been paid under subparagraph (B) of this paragraph,  
23 the Secretary shall—

24 “(i) calculate the overall rate at which the ex-  
25 penditures referred to in subsection (a)(2) have been

1 reimbursed under this part during the 3-year period  
2 described in subparagraph (B) of this paragraph;  
3 and

4 “(ii) for each subsequent calendar quarter, re-  
5 imburse the expenditures at the overall rate.”.

6 (3) MAINTENANCE OF EFFORT.—Section  
7 471(a) of such Act (42 U.S.C. 671(a)), as amended  
8 by section 104(a) of this Act, is amended—

9 (A) by striking “and” at the end of para-  
10 graph (27);

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

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

14 “(29) provides that the total of the amounts ex-  
15 pended by the State in any fiscal year for foster care  
16 maintenance payments, family preservation services  
17 (as defined in section 431(a)(1)), family support  
18 services (as defined in section 431(a)(2)), time-lim-  
19 ited family reunification services (as defined in sec-  
20 tion 431(a)(7)), and adoption promotion and sup-  
21 port services (as defined in section 431(a)(8)) shall  
22 be not less than the average annual total of the  
23 amounts expended by the State in fiscal years 2001  
24 through 2006 for foster care maintenance payments  
25 for children with respect to whom the payments were

1 not required by section 472(a) to be made solely be-  
2 cause the children did not meet the requirement of  
3 section 472(a)(1)(B) (as then in effect).”.

4 (b) ADOPTION ASSISTANCE.—

5 (1) ELIMINATION OF INCOME ELIGIBILITY RE-  
6 QUIREMENT.—Section 473(a)(2) of such Act (42  
7 U.S.C. 673(a)(2)) is amended to read as follows:

8 “(2)(A) For purposes of paragraph (1)(B)(ii), a  
9 child meets the requirements of this paragraph if the  
10 child—

11 “(i)(I) at the time adoption proceedings  
12 were initiated, had been removed from his or  
13 her home—

14 “(aa) pursuant to a voluntary place-  
15 ment agreement with respect to which  
16 Federal payments are provided under sec-  
17 tion 474; or

18 “(bb) as a result of a judicial deter-  
19 mination to the effect that continuation  
20 therein would be contrary to the welfare of  
21 the child;

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

24 “(III) is a child whose costs in a foster  
25 family home or child-care institution are cov-

1           ered by the foster care maintenance payments  
2           being made with respect to the minor parent of  
3           the child as described in section 475(4)(B); and

4           “(ii) has been determined by the State,  
5           pursuant to subsection (c), to be a child with  
6           special needs.

7           “(B) A child who meets the requirements  
8           of subparagraph (A)(ii) of this paragraph, who  
9           was determined eligible for adoption assistance  
10          payments under this part with respect to a  
11          prior adoption, and who is available for adop-  
12          tion because the prior adoption has been dis-  
13          solved and the parental rights of the adoptive  
14          parents have been terminated or because the  
15          child’s adoptive parents have died, shall be  
16          treated as meeting the requirements of this  
17          paragraph for purposes of paragraph  
18          (1)(B)(ii).”.

19          (2) ADOPTION ASSISTANCE PAYMENTS MATCH  
20          RATE.—Section 474 of such Act (42 U.S.C. 674) is  
21          amended—

22                 (A) in subsection (a)(2), by inserting “,  
23                 subject to subsection (g)(2)” before the semi-  
24                 colon; and

1 (B) by adding at the end of subsection (g)  
2 (as added by subsection (a)(2)(B) of this sec-  
3 tion) the following:

4 “(2)(A) The Secretary shall reduce the percentage by  
5 which the expenditures referred to in subsection (a)(2) are  
6 reimbursed, by such equal percentage for all States as may  
7 be necessary to ensure that—

8 “(i) the ratio, for any calendar quarter, of the  
9 total of the amounts payable to States under such  
10 subsection to the total of all amounts expended by  
11 the States as adoption assistance payments (whether  
12 or not eligible for reimbursement under this part),  
13 excluding any expenditure made from other funds  
14 provided by the Federal Government or from State  
15 funds with respect to which matching funds are pro-  
16 vided by the Federal Government; equals

17 “(ii) the average such ratio for the 12 quarters  
18 most recently preceding the effective date of this  
19 subsection.

20 “(B) The Secretary shall establish procedures to  
21 allow States to submit to the Secretary supplemental  
22 claims for reimbursement of expenditures referred to in  
23 subsection (a)(2) incurred during the 3-year period begin-  
24 ning with the effective date of this subsection.

1       “(C) The Secretary shall pay a claim submitted pur-  
2 suant to subparagraph (B) with respect to an expenditure,  
3 to the extent that, in the absence of this paragraph, an  
4 amount would be payable under this part with respect to  
5 the expenditure.

6       “(D) For each State with respect to which a claim  
7 has been paid under subparagraph (B) of this paragraph,  
8 the Secretary shall—

9           “(i) calculate the overall rate at which the ex-  
10 penditures referred to in subsection (a)(2) have been  
11 reimbursed under this part during the 3-year period  
12 described in subparagraph (B) of this paragraph;  
13 and

14           “(ii) for each subsequent calendar quarter, re-  
15 imburse the expenditures at the overall rate.”.

16       (c) ADMINISTRATIVE COSTS.—

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

19           (A) in subsection (a)(3)(E), by inserting “,  
20 subject to subsection (g)(3)” after “expendi-  
21 tures”; and

22           (B) by adding at the end of subsection (g)  
23 (as added by subsection (a)(2)(B) of this sec-  
24 tion) the following:

1       “(3)(A) The Secretary shall reduce the percentage by  
2 which the expenditures referred to in subsection (a)(3)(E)  
3 are reimbursed, by such equal percentage for all States  
4 as may be necessary to ensure that—

5           “(i) the ratio, for any calendar quarter, of the  
6 total of the amounts payable to States under sub-  
7 section (a)(3)(E) to the total of all amounts ex-  
8 pended by the States for expenditures referred to in  
9 such subsection (whether or not eligible for reim-  
10 bursement under this part), excluding any expendi-  
11 ture made from other funds provided by the Federal  
12 Government or from State funds with respect to  
13 which matching funds are provided by the Federal  
14 Government; equals

15           “(ii) the average such ratio for the 12 quarters  
16 most recently preceding the effective date of this  
17 subsection.

18       “(B) The Secretary shall establish procedures to  
19 allow States to submit to the Secretary supplemental  
20 claims for reimbursement of expenditures referred to in  
21 subsection (a)(3)(E) incurred during the 3-year period be-  
22 ginning with the effective date of this subsection.

23       “(C) The Secretary shall pay a claim submitted pur-  
24 suant to subparagraph (B) with respect to an expenditure,  
25 to the extent that, in the absence of this paragraph, an

1 amount would be payable under this part with respect to  
2 the expenditure.

3 “(D) For each State with respect to which a claim  
4 has been paid under subparagraph (B) of this paragraph,  
5 the Secretary shall—

6 “(i) calculate the overall rate at which the ex-  
7 penditures referred to in subsection (a)(3)(E) have  
8 been reimbursed under this part during the 3-year  
9 period described in subparagraph (B) of this para-  
10 graph; and

11 “(ii) for each subsequent calendar quarter, re-  
12 imburse the expenditures at the overall rate.”.

13 (2) LIMITATION ON EXPENDITURES NOT RE-  
14 LATED TO PLACEMENT OR CASE MANAGEMENT AC-  
15 TIVITIES.—Section 474 of such Act (42 U.S.C. 674),  
16 as amended by the preceding provisions of this sec-  
17 tion, is amended by adding at the end the following:

18 “(h) A State shall not use more than 15 percent of  
19 the amounts paid to the State under this part for expendi-  
20 tures relating to determining eligibility, setting rates for  
21 foster care homes and institutions, and the proportionate  
22 share of related agency overhead.”.

23 (d) REMOVAL OF TITLE IV–E FROM FUNDING CAP  
24 FOR THE TERRITORIES.—Section 1108 of such Act (42  
25 U.S.C. 1308) is amended in each of subsections (a) and

1 (b)(1), by striking “parts A and E” and inserting “part  
2 A”.

3 (e) CONFORMING CHANGES FOR FMAP FOR THE  
4 DISTRICT OF COLUMBIA.—Section 474(a) of such Act (42  
5 U.S.C. 674(a)) is amended in each of paragraphs (1) and  
6 (2) by striking “(as defined in section 1905(b) of this  
7 Act)” inserting “(which shall be as defined in section  
8 1905(b), in the case of a State other than the District  
9 of Columbia, or 70 percent, in the case of the District  
10 of Columbia)”.

11 **SEC. 112. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS.**

12 (a) IN GENERAL.—Section 473 of the Social Security  
13 Act (42 U.S.C. 670–679b) is amended by adding at the  
14 end the following:

15 “(d) KINSHIP GUARDIANSHIP ASSISTANCE PAY-  
16 MENTS FOR CHILDREN.—

17 “(1) IN GENERAL.—Each State with a plan ap-  
18 proved under this part may, at State option, enter  
19 into kinship guardianship assistance agreements to  
20 provide kinship guardianship assistance payments on  
21 behalf of children to grandparents and other rel-  
22 atives who have assumed legal guardianship (as de-  
23 fined in section 475(7)) of the children for whom  
24 they have cared as foster parents and for whom they  
25 have committed to care for on a permanent basis.

1           “(2) KINSHIP GUARDIANSHIP ASSISTANCE  
2 AGREEMENT.—

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

6           “(i) negotiate and enter into a writ-  
7 ten, binding kinship guardianship assist-  
8 ance agreement with the prospective rel-  
9 ative guardian of a child who meets the re-  
10 quirements of this paragraph;

11           “(ii) provide the prospective relative  
12 guardian with a copy of the agreement;  
13 and

14           “(iii) certify that any child on whose  
15 behalf kinship guardianship assistance pay-  
16 ments are made under the agreement shall  
17 be provided medical assistance under title  
18 XIX in accordance with section  
19 1902(a)(10)(A)(i)(I).

20           “(B) MINIMUM REQUIREMENTS.—The  
21 agreement shall specify, at a minimum—

22           “(i) the amount of, and manner in  
23 which, each kinship guardianship assist-  
24 ance payment will be provided under the  
25 agreement;

1           “(ii) the additional services and assist-  
2           ance that the child and relative guardian  
3           will be eligible for under the agreement;

4           “(iii) the procedure by which the rel-  
5           ative guardian may apply for additional  
6           services as needed, provided the agency  
7           and relative guardian agree on the addi-  
8           tional services as specified in the case plan;  
9           and

10          “(iv) subject to subparagraph (D),  
11          that the State will pay the total cost of  
12          nonrecurring expenses associated with ob-  
13          taining legal guardianship of the child.

14          “(C) INTERSTATE APPLICATION.—The  
15          agreement shall provide—

16               “(i) that the agreement shall remain  
17               in effect without regard to the State resi-  
18               dency of the kinship guardian; and

19               “(ii) for the protection of the interests  
20               of the child in any case where the kinship  
21               guardian and the child move to another  
22               State while the agreement is in effect.

23          “(D) NO EFFECT ON FEDERAL REIM-  
24          BURSEMENT.—Nothing in subparagraph (B)(iv)  
25          shall be construed as affecting the ability of the

1 State to obtain reimbursement from the Fed-  
2 eral Government for costs described in that  
3 subparagraph.

4 “(3) KINSHIP GUARDIANSHIP ASSISTANCE PAY-  
5 MENT.—

6 “(A) IN GENERAL.—The kinship guardian-  
7 ship assistance payment shall be based on con-  
8 sideration of the needs of the relative guardian  
9 and of the child and shall be at least equal to  
10 the amount of the foster care maintenance pay-  
11 ment for which the child would have been eligi-  
12 ble if the child had remained in foster care, or,  
13 at State option, the amount of the adoption as-  
14 sistance payment for which the child would  
15 have been eligible if the child had been adopted.  
16 The payment may be readjusted periodically  
17 based on relevant changes in such needs.

18 “(B) LIMITATION.—A kinship guardian-  
19 ship assistance payment may not be made to a  
20 relative guardian for any child who has attained  
21 21 years of age.

22 “(4) CHILD’S ELIGIBILITY FOR A KINSHIP  
23 GUARDIANSHIP ASSISTANCE PAYMENT.—

24 “(A) IN GENERAL.—A child is eligible for  
25 a kinship guardianship assistance payment

1 under this subsection if the State agency deter-  
2 mines the following:

3 “(i) The child has been—

4 “(I) removed from his or her  
5 home pursuant to a voluntary place-  
6 ment agreement or as a result of a ju-  
7 dicial determination to the effect that  
8 continuation in the home would be  
9 contrary to the welfare of the child;

10 “(II) under the care of the State  
11 agency for the 12-month period end-  
12 ing on the date of the agency deter-  
13 mination; and

14 “(III) eligible for foster care  
15 maintenance payments under section  
16 472.

17 “(ii) Being returned home or adopted  
18 are not appropriate permanency options  
19 for the child.

20 “(iii) The child demonstrates a strong  
21 attachment to the prospective relative  
22 guardian and the relative guardian has a  
23 strong commitment to caring permanently  
24 for the child.

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

5           “(B) TREATMENT OF SIBLINGS.—With re-  
6           spect to a child described in subparagraph (A)  
7           whose sibling or siblings are not so described—

8                   “(i) the child and any sibling of the  
9                   child may be placed in the same kinship  
10                  guardianship arrangement if the State  
11                  agency and the relative agree on the appro-  
12                  priateness of the arrangement for the sib-  
13                  lings; and

14                   “(ii) kinship guardianship assistance  
15                  payments may be paid for the child and  
16                  each sibling so placed.”.

17           (b) CONFORMING AMENDMENTS.—

18                   (1) STATE PLAN REQUIREMENT.—Section  
19                  471(a)(20)(A) of such Act (42 U.S.C.  
20                  671(a)(20)(A)) is amended by striking “before the  
21                  foster or adoptive parent may be finally approved for  
22                  placement of a child regardless of whether foster  
23                  care maintenance payments or adoption assistance  
24                  payments” and inserting “or relative guardian be-  
25                  fore the foster or adoptive parent or relative guard-

1       ian may be finally approved for placement of a child  
2       regardless of whether foster care maintenance pay-  
3       ments, adoption assistance payments, or kinship  
4       guardianship assistance payments”.

5               (2) MAINTENANCE OF ELIGIBILITY FOR ADOPT-  
6       TION ASSISTANCE.—Section 473(a) of such Act (42  
7       U.S.C. 673(a)) is amended by adding at the end the  
8       following:

9               “(7) The adoptive parents of a child who has  
10       been determined by the State, pursuant to sub-  
11       section (c), to be a child with special needs and on  
12       whose behalf kinship guardianship assistance pay-  
13       ments have been made under subsection (d) shall be  
14       eligible for adoption assistance as if no kinship  
15       guardianship assistance agreement or payments had  
16       been made. The State shall make payments of non-  
17       recurring adoption expenses under this section to the  
18       adoptive parents of such a child. The State may  
19       make adoption assistance payments under this sec-  
20       tion even if the child fails to meet the requirements  
21       of subparagraphs (A) and (B) of paragraph (2), if  
22       the child would meet the requirements of such sub-  
23       paragraphs if the child were treated as if the child  
24       were in the same financial and other circumstances

1 the child was in at the time the kinship guardianship  
2 assistance agreement was made.”.

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

5 (A) by striking the period at the end and  
6 inserting “; plus”; and

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

8 “(6) an amount equal to the percentage by  
9 which the expenditures referred to in paragraph (2)  
10 of this subsection are reimbursed (after applying the  
11 reduction required by subsection (g)(2)(A) of this  
12 section) of the total amount expended during such  
13 quarter as kinship guardianship assistance payments  
14 under section 473(d) pursuant to kinship guardian-  
15 ship assistance agreements.”.

16 (4) DEFINITIONS.—Section 475(1) of such Act  
17 (42 U.S.C. 675(1)) is amended by adding at the end  
18 the following:

19 “(F) In the case of a child with respect to  
20 whom the permanency plan is placement with a  
21 relative and receipt of kinship guardianship as-  
22 sistance payments under section 473(d), a de-  
23 scription of—

24 “(i) the steps that the agency has  
25 taken to determine that it is not appro-

1           priate for the child to be returned home or  
2           adopted;

3           “(ii) the reasons why a permanent  
4           placement with a fit and willing relative  
5           through a kinship guardianship assistance  
6           arrangement is in the child’s best interests;

7           “(iii) the ways in which the child  
8           meets the eligibility requirements for a kin-  
9           ship guardianship assistance payment;

10          “(iv) the efforts the agency has made  
11          to discuss adoption by the child’s relative  
12          foster parent as a more permanent alter-  
13          native to legal guardianship and, in the  
14          case of a relative foster parent who has  
15          chosen not to pursue adoption, documenta-  
16          tion of the reasons therefor; and

17          “(v) the efforts made by the State  
18          agency to secure the consent of the child’s  
19          parent or parents to the kinship guardian-  
20          ship assistance arrangement, or the rea-  
21          sons why the efforts were not made.”.

22          (c) NOTICE TO RELATIVES WHEN CHILDREN ENTER  
23 FOSTER CARE.—

24           (1) IN GENERAL.—Section 471(a)(19) of such  
25          Act (42 U.S.C. 671(a)(19)) is amended—

1 (A) by striking “that the State” and in-  
2 serting “that—

3 “(A) the State”;

4 (B) by adding “and” after the semicolon;  
5 and

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

7 “(B) within 60 days of the removal of the  
8 child from the custody of the parent or parents  
9 of the child, the State shall identify and give  
10 notice to all adult relatives of the child (includ-  
11 ing any other adult relatives suggested by the  
12 parents or parents), subject to exceptions due  
13 to family or domestic violence, that—

14 “(i) specifies that the child has been  
15 or is being removed from the custody of  
16 the parent or parents; and

17 “(ii) explains the options the relative  
18 has under Federal, State, and local law to  
19 participate in the care and placement of  
20 the child, including any options that may  
21 be lost by failing to respond to the no-  
22 tice;”.

23 (2) EFFECTIVE DATE.—The amendments made  
24 by this section shall take effect on October 1, 2007.

1 **SEC. 113. FLEXIBILITY TO ESTABLISH SEPARATE STAND-**  
2 **ARDS FOR RELATIVE FOSTER FAMILY**  
3 **HOMES.**

4 Section 471(a)(10) of the Social Security Act (42  
5 U.S.C. 671(a)(10)) is amended by inserting before the  
6 semicolon the following: “, and, at the option of the State,  
7 that the authority or authorities may—

8 “(A) establish and maintain separate standards  
9 for foster family homes in which a foster parent is  
10 a relative of the foster child, that, at a minimum,  
11 protect the safety of the child and provide for crimi-  
12 nal records checks as described in paragraph (20);  
13 and

14 “(B) apply the standards referred to in sub-  
15 paragraph (A) of this paragraph to any such relative  
16 foster care provider to whom funds are paid pursu-  
17 ant to section 472 or part B in lieu of the standards  
18 that would otherwise apply to a foster family  
19 home.”.

20 **SEC. 114. APPLICATION OF STANDARDS TO ALL CHILDREN.**

21 Section 471(a)(10) of the Social Security Act (42  
22 U.S.C. 671(a)(10)) is amended by striking “receiving  
23 funds under this part or part B of this title” and inserting  
24 “caring for a child who is in the custody of the State”.

1 **SEC. 115. ELIGIBILITY FOR FOSTER CARE MAINTENANCE**  
2 **PAYMENTS AND ADOPTION ASSISTANCE PAY-**  
3 **MENTS THROUGH AGE 20.**

4 (a) FOSTER CARE MAINTENANCE PAYMENTS.—Sec-  
5 tion 472 of the Social Security Act (42 U.S.C. 672), as  
6 amended by subsections (a)(1)(A)(i) and (e)(1) of section  
7 111 of this Act, is amended—

8 (1) in subsection (a)—

9 (A) by striking paragraph (1) and insert-  
10 ing the following:

11 “(1) ELIGIBILITY.—Each State with a plan ap-  
12 proved under this part shall make foster care main-  
13 tenance payments on behalf of—

14 “(A) each child who has been removed  
15 from the home of a relative specified in section  
16 406(a) (as in effect on July 16, 1996) into fos-  
17 ter care if the removal and foster care place-  
18 ment met, and the placement continues to meet,  
19 the requirements of paragraph (2) of this sub-  
20 section; and

21 “(B) each child who is an individual de-  
22 scribed in subsection (j)(2) of this section who  
23 has entered foster care under the responsibility  
24 of the State if the foster care placement met  
25 and continues to meet the requirements of  
26 paragraph (3) of this subsection.”;

1 (B) in the paragraph heading of paragraph  
2 (2) by inserting “APPLICABLE TO MINORS”  
3 after “REQUIREMENTS”; and

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

5 “(3) FOSTER CARE PLACEMENT REQUIRE-  
6 MENTS APPLICABLE TO CHILDREN WHO HAVE AT-  
7 TAINED THE AGE OF MAJORITY.—The foster care  
8 placement of a child who is an individual described  
9 in subsection (j)(2) meets the requirements of this  
10 paragraph if—

11 “(A) the foster care placement is in ac-  
12 cordance with a voluntary placement agreement  
13 entered into by the individual;

14 “(B) the individual’s placement and care  
15 meet the requirement of paragraph (2)(B) of  
16 this subsection; and

17 “(C)(i) the individual has been placed in a  
18 foster family home, child-care institution, or  
19 dwelling described in subsection (b)(3)(C); or

20 “(ii) the individual has secured a dwelling  
21 described in subsection (b)(3)(D).”;

22 (2) in subsection (b)—

23 (A) by striking “or” at the end of para-  
24 graph (1);

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

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

4 “(3) in the case of a child who is an individual  
5 described in subsection (j)(2) of this section—

6 “(A) in a home described in paragraph (1),  
7 in accordance with the payment rules set forth  
8 in paragraph (1);

9 “(B) in an institution described in para-  
10 graph (2), in accordance with the payment rules  
11 set forth in paragraph (2);

12 “(C) in a dwelling operated by an agency  
13 that provides social services to children and  
14 their families which supplements, supports, or  
15 substitutes parental care and supervision for  
16 the purpose of safeguarding and promoting the  
17 welfare of children, and that meets such stand-  
18 ards for licensure or approval as are established  
19 by the State for the provision of the services,  
20 whether the payments therefor are made to the  
21 agency or directly to the individual; or

22 “(D) in housing rented or leased by the in-  
23 dividual.”;

24 (3) in subsection (e), by inserting “minor” be-  
25 fore “child who”;

1 (4) in subsection (f)—

2 (A) in paragraph (1)—

3 (i) by striking “a minor” and insert-  
4 ing “a child”; and

5 (ii) by striking “the minor” and in-  
6 serting “the child (or, if the child has at-  
7 tained 18 years of age, the child himself or  
8 herself)”; and

9 (B) in paragraph (2)—

10 (i) by striking “a minor child” and in-  
11 serting “a child (or, if the child has at-  
12 tained 18 years of age, the child himself or  
13 herself)”; and

14 (ii) by inserting “(if the child is a  
15 minor)” after “obligations of the parents  
16 or guardians”; and

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

18 “(j) In this section, the term ‘child’ means—

19 “(1) a minor child; and

20 “(2) an individual who—

21 “(A) has not attained 21 years of age; and

22 “(B) has been emancipated from foster  
23 care under the responsibility of the State by  
24 reason of attaining the age of majority.”.

25 (b) ADOPTION ASSISTANCE PAYMENTS.—

1           (1) IN GENERAL.—Section 473(a)(1)(A) of such  
2 Act (42 U.S.C. 673(a)(1)(A)) is amended by insert-  
3 ing “who have not attained 21 years of age” before  
4 the period.

5           (2) CONFORMING AMENDMENT.—Section  
6 473(a)(4)(A) of such Act (42 U.S.C. 673(a)(4)(A))  
7 is amended by striking “the age of eighteen” and all  
8 that follows through “twenty-one” and inserting “21  
9 years of age”.

10          (c) CONFORMING AMENDMENT.—Section 474(a)(1)  
11 of such Act (42 U.S.C. 674(a)(1)) is amended by striking  
12 “under section 472 for children in foster family homes or  
13 child-care institutions” and inserting “in accordance with  
14 section 472”.

15 **SEC. 116. YOUTH ACCESS TO THE CHILD WELFARE SYSTEM.**

16          Within 12 months after the date of the enactment  
17 of this Act, the Comptroller General of the United States  
18 shall submit to the Committees on Ways and Means and  
19 on Education and Labor of the House of Representatives  
20 and the Committees on Finance and on Health, Edu-  
21 cation, Labor, and Pensions of the Senate a report on the  
22 policies and practices of the States regarding (1) access  
23 to child welfare services (including services related to fos-  
24 ter care and adoption) by children who have attained 13  
25 years of age, (2) and consideration of runaway and home-

1 less situations as risk assessment factors for determining  
2 the appropriateness of placement in the child welfare sys-  
3 tem. The report shall include an inventory of the policies  
4 and practices, an assessment of the effectiveness of the  
5 policies and practices, and such recommendations for Fed-  
6 eral or State legislative or regulatory action as may be  
7 appropriate.

8 **Subtitle C—Reduction of Youth In-**  
9 **stitutional Discharge Into**  
10 **Homelessness**

11 **SEC. 121. DISCHARGE FROM CHILD WELFARE SYSTEM.**

12 (a) STATE PLANS REQUIRED TO DESCRIBE STATE  
13 POLICIES AND PROCEDURES REGARDING RUNAWAY OR  
14 MISSING FOSTER CHILDREN.—Section 471(a) of the So-  
15 cial Security Act (42 U.S.C. 671(a)), as amended by sec-  
16 tions 104(a) and 111(a)(3) of this Act, is amended—

17 (1) by striking “and” at the end of paragraph  
18 (28);

19 (2) by striking the period at the end of para-  
20 graph (29) and inserting “; and”; and

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

22 “(30) describes the written policies and proce-  
23 dures of the State that are designed to reduce the  
24 incidence of children missing or running away from

1 foster care, and to locate and return such children  
2 to foster placements.”.

3 (b) JUDICIAL REVIEW OF PERMANENCY PLAN FOR  
4 CHILD LEAVING FOSTER CARE.—Section 475(5)(C) of  
5 such Act (42 U.S.C. 675(5)(C)) is amended—

6 (1) by striking “and (iii)” and inserting “(iii)”;  
7 and

8 (2) by adding at the end the following: “and  
9 (iv) procedural safeguards shall be applied to assure  
10 that the final permanency hearing regarding the  
11 transition of the child from foster care to a planned,  
12 permanent living arrangement or independent living  
13 is held in a family or juvenile court or another court  
14 (including a tribal court) of competent jurisdiction;”.

15 (c) CASE PLANS TO INCLUDE DESCRIPTION OF  
16 HOUSING ARRANGEMENTS FOR CHILDREN AGING OUT OF  
17 FOSTER CARE.—Section 475(1)(D) of such Act (42  
18 U.S.C. 675(1)(D)) is amended by inserting “, and of the  
19 steps taken to ensure that such child will have a perma-  
20 nent living arrangement if they are emancipated from fos-  
21 ter care and (in the case of a child age 17 or over or with  
22 a permanency goal of emancipation) documentation of the  
23 permanent living arrangements upon emancipation” be-  
24 fore the period.

1 (d) REVIEW OF STEPS TAKEN TO ENSURE APPRO-  
2 PRIATE HOUSING FOR CHILDREN LEAVING FOSTER  
3 CARE.—Section 475(5)(C)(iii) of such Act (42 U.S.C.  
4 675(5)(C)(iii)) is amended by inserting “, and reviews all  
5 documentation of the efforts to secure a permanent living  
6 arrangement for the child upon emancipation from foster  
7 care” before the semicolon.

8 (e) MODIFICATION OF CASE PLAN REQUIRE-  
9 MENTS.—Section 475(1)(D) of such Act (42 U.S.C.  
10 675(1)(D)) is amended to read as follows:

11 “(D) Where appropriate, for a child who  
12 has attained 14 years of age (and, at State op-  
13 tion, any other child), a written description of  
14 the programs and services that will facilitate  
15 the transition of the child from foster care to  
16 independent living, including a discussion of the  
17 appropriateness of the services that have been  
18 provided to the child under the plan. The plan  
19 for these youth shall also include documentation  
20 of the steps the agency is taking to find a per-  
21 manent placement with a family or other adult  
22 connection for the youth, and a permanent liv-  
23 ing arrangement.”.

1 **SEC. 122. RECEIPT OF CERTAIN JUVENILE JUSTICE FOR-**  
2 **MULA GRANT FUNDS CONDITIONED ON**  
3 **STATES' POLICIES TO ENSURE APPROPRIATE**  
4 **HOUSING FOR JUVENILES RELEASED INTO**  
5 **THE COMMUNITY AND TO REDUCE RATES OF**  
6 **RUNAWAYS.**

7 Section 223(a) of the Juvenile Justice and Delin-  
8 quency Prevention Act of 1974 (42 U.S.C. 5633(a)) is  
9 amended—

10 (1) in paragraph (27), at the end by striking  
11 “and”;

12 (2) in paragraph (28), at the end by striking  
13 the period and inserting a semicolon; and

14 (3) by adding at the end the following new  
15 paragraphs:

16 “(28) provide a description of the State’s use of  
17 funds under this part and other funds for post-re-  
18 lease and aftercare services for juveniles released  
19 from confinement in a juvenile justice facility;

20 “(29) provide that there is in effect in the State  
21 such policies and procedures as are necessary to en-  
22 sure that upon release of a juvenile from the juvenile  
23 justice system of the State into the community, the  
24 juvenile will be placed in a stable environment that  
25 consists of appropriate permanent or transitional  
26 housing until permanent housing is available; and

1           “(30) provide that the State has in effect (or  
2 will develop and implement) standards to—

3           “(A) reduce the rate of occurrence of juve-  
4 niles running away from placements in secure  
5 detention or confinement or nonsecure residen-  
6 tial placements;

7           “(B) locate juveniles who have run away  
8 from such placements; and

9           “(C) return such juveniles to such respec-  
10 tive placements.”.

11 **SEC. 123. DISCHARGE PLANNING FROM PRIVATE AND PUB-**  
12 **LIC INPATIENT HEALTH FACILITIES RE-**  
13 **QUIRED FOR PURPOSES OF CERTAIN SUB-**  
14 **STANCE ABUSE AND MENTAL HEALTH PRO-**  
15 **GRAMS AND THE MEDICAID PROGRAM.**

16           (a) REQUIREMENT APPLIED TO SAMHSA GRANT  
17 PROGRAMS UNDER TITLE V OF THE PHSA.—Part D of  
18 title V of the Public Health Service Act (42 U.S.C. 290dd  
19 et seq.) is amended by adding at the end the following  
20 section:

21 **“SEC. 544. DISCHARGE PLANNING IN PRIVATE AND PUBLIC**  
22 **HOSPITALS AND INPATIENT FACILITIES.**

23           “Any private or public hospital, nursing home, hos-  
24 pice program, subacute care facility, transitional care fa-  
25 cility, residential treatment facility, rehabilitation facility,

1 or other inpatient facility that receives support in any  
2 form from any State program, or other program, sup-  
3 ported in whole or in part by funds appropriated to any  
4 Federal department or agency pursuant to this title, shall  
5 have in effect policies and procedures to ensure that each  
6 individual who has not attained age 25 and who is fur-  
7 nished services at such hospital, home, program, or facil-  
8 ity, respectively, is referred to the most medically appro-  
9 priate level of care and is furnished with a discharge plan  
10 from such hospital, home, program, or facility, respec-  
11 tively, that includes an assurance that such individual is  
12 placed in a permanent living arrangement as soon as such  
13 discharge is medically appropriate.”.

14 (b) REQUIREMENT APPLIED TO BLOCK GRANTS RE-  
15 GARDING MENTAL HEALTH AND SUBSTANCE ABUSE  
16 UNDER TITLE XIX OF THE PHSA.—Section 1943(a) of  
17 the Public Health Service Act (42 U.S.C. 300x–53(a)) is  
18 amended—

19 (1) in paragraph (2), at the end by striking  
20 “and”;

21 (2) in paragraph (3), at the end by striking the  
22 period and inserting “; and”; and

23 (3) by adding at the end the following new  
24 paragraph:

1           “(4) ensure that any private or public hospital,  
2           nursing home, hospice program, subacute care facil-  
3           ity, transitional care facility, residential treatment  
4           facility, rehabilitation facility, or other inpatient fa-  
5           cility that receives support in any form from any  
6           State program, or other program, supported in  
7           whole or in part by funds appropriated to any Fed-  
8           eral department or agency pursuant to this part,  
9           shall have in effect policies and procedures to ensure  
10          that each individual who has not attained age 25  
11          and who is furnished services at such hospital, home,  
12          program, or facility, respectively, is referred to the  
13          most medically appropriate level of care and is fur-  
14          nished with a discharge plan from such hospital,  
15          home, program, or facility, respectively, that includes  
16          an assurance that such individual is placed in a per-  
17          manent living arrangement as soon as such dis-  
18          charge is medically appropriate.”.

19          (c) REQUIREMENT APPLIED TO STATE PLAN FOR  
20          MEDICAL ASSISTANCE UNDER MEDICAID PROGRAM.—  
21          Section 1902(a) of the Social Security Act (42 U.S.C.  
22          1396a(a)) is amended—

23                 (1) in paragraph (69), at the end by striking  
24                 “and”;

1           (2) in paragraph (70), at the end by striking  
2 the period and inserting “; and”; and

3           (3) by inserting after paragraph (70) the fol-  
4 lowing new paragraph:

5           “(71) provide that each hospital, nursing facil-  
6 ity, hospice program, subacute care facility, transi-  
7 tional care facility, residential treatment facility, re-  
8 habilitation facility, or other inpatient facility receiv-  
9 ing funds under the plan, shall have in effect policies  
10 and procedures to ensure that each child who is an  
11 individual who has not attained age 25 and who is  
12 furnished services at such hospital, home, program,  
13 or facility, respectively, is referred to the most medi-  
14 cally appropriate level of care and is furnished with  
15 a discharge plan from such hospital, home, program,  
16 or facility, respectively, that includes an assurance  
17 that such individual is placed in a permanent living  
18 arrangement as soon as such discharge is medically  
19 appropriate.”.

20 (d) EFFECTIVE DATES.—

21           (1) PUBLIC HEALTH AMENDMENTS.—The  
22 amendments made by subsections (a) and (b) shall  
23 apply to support provided for periods beginning on  
24 or after October 1, 2007.

25           (2) MEDICAID AMENDMENT.—

1           (A) IN GENERAL.—Except as provided in  
2 paragraph (2), the amendment made by sub-  
3 section (c) shall apply to calendar quarters be-  
4 ginning on or after October 1, 2007, without  
5 regard to whether or not final regulations to  
6 carry out such amendments have been promul-  
7 gated by such date.

8           (B) EXCEPTION IF STATE LEGISLATION  
9 REQUIRED.—In the case of a State plan for  
10 medical assistance under title XIX of the Social  
11 Security Act which the Secretary of Health and  
12 Human Services determines requires State leg-  
13 islation (other than legislation appropriating  
14 funds) in order for the plan to meet the addi-  
15 tional requirement imposed by the amendment  
16 made by subsection (c), the State plan shall not  
17 be regarded as failing to comply with the re-  
18 quirements of such title solely on the basis of  
19 its failure to meet this additional requirement  
20 before the first day of the first calendar quarter  
21 beginning after the close of the first regular  
22 session of the State legislature that begins after  
23 the date of the enactment of this Act. For pur-  
24 poses of the previous sentence, in the case of a  
25 State that has a 2-year legislative session, each

1           year of such session shall be deemed to be a  
2           separate regular session of the State legislature.

3           **TITLE II—YOUTH EMERGENCY**  
4           **AND TRANSITIONAL HOUSING**  
5           **Subtitle A—Runaway and**  
6           **Homeless Youth Act Programs**

7           **SEC. 201. SHORT TITLE.**

8           This subtitle may be cited as the “Runaway and  
9 Homeless Youth Act Reauthorization of 2008”.

10          **SEC. 202. FINDINGS.**

11          Section 302 of the Runaway and Homeless Youth Act  
12 (42 U.S.C. 5701) is amended—

13                 (1) by redesignating paragraphs (3) and (4) as  
14                 paragraphs (4) and (5), respectively, and

15                 (2) by inserting after paragraph (2) the fol-  
16                 lowing:

17                         “(3) services to such young people should be de-  
18                         veloped and provided using a positive youth develop-  
19                         ment approach that ensures the young person a  
20                         sense of—

21                                 “(A) safety and structure;

22                                 “(B) belonging and membership;

23                                 “(C) self-worth and social contribution;

24                                 “(D) independence and control over one’s

25                                 life; and

1           “(E) closeness in interpersonal relation-  
2           ships.”.

3 **SEC. 203. BASIC CENTER PROGRAM.**

4           (a) SERVICES PROVIDED.—Section 311(a) of the  
5 Runaway and Homeless Youth Act (42 U.S.C. 5711(a))  
6 is amended—

7           (1) by amending paragraph (2)(B)(i) to read as  
8           follows:

9                   “(i) safe and appropriate shelter pro-  
10                   vided for not to exceed 15 days, or not to  
11                   exceed 30 days if the center is located in  
12                   a State or locality with a child or youth-  
13                   serving-facility licensure law or regulation  
14                   that permits a length of stay in excess of  
15                   15 days; and”

16           (2) in subsection (b)(2)—

17                   (A) by striking “\$100,000” and inserting  
18                   “\$200,000”,

19                   (B) by striking “\$45,000” and inserting  
20                   “\$100,000”, and

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

22           “Whenever the Secretary determines than any part of the  
23 amount allotted under paragraph (1) with respect to a  
24 State will not be obligated before the end of the fiscal year,

1 the Secretary shall reallocate such part with respect to the  
2 remaining States for obligation for such fiscal year.”.

3 (b) ELIGIBILITY.—Section 312(b) of the Runaway  
4 and Homeless Youth Act (42 U.S.C. 5712(b)) is amend-  
5 ed—

6 (1) in paragraph (11) by striking “and” at the  
7 end,

8 (2) in paragraph (12) by striking the period  
9 and inserting “; and”, and

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

11 “(13) shall develop an adequate emergency pre-  
12 paredness and management plan.”.

13 (c) DEFINITION.—Section 387(3)(A)(i) of the Run-  
14 away and Homeless Youth Act (42 U.S.C. 5782a(3)(A)(i))  
15 is amended by striking “not more than 18” and inserting  
16 “less than 18 unless the center is located in a State or  
17 locality with a child- or youth-serving facility licensure law  
18 or regulation that permits a higher age”.

19 **SEC. 204. RENOVATION.**

20 Section 321 of the Runaway and Homeless Youth Act  
21 (42 U.S.C. 5714–1) is amended by inserting “(including  
22 renovation)” after “operate”.

1 **SEC. 205. TRANSITIONAL LIVING GRANT PROGRAM.**

2 (a) **ELIGIBILITY.**—Section 322(a) of the Runaway  
3 and Homeless Youth Act (42 U.S.C. 5714–2(a)) is amend-  
4 ed—

5 (1) in paragraph (1)—

6 (A) by striking “indirectly” inserting “by  
7 contract (excluding the use of vouchers)”, and

8 (B) by striking “services” the 1st place it  
9 appears and inserting “provide, directly or indi-  
10 rectly (excluding the use of vouchers), serv-  
11 ices,”.

12 (2) in paragraph (2)—

13 (A) by striking “, except” and inserting  
14 “(except”, and

15 (B) by striking “period;” and inserting the  
16 following:

17 “period) or, if the program is located in a State or  
18 locality with a child- or youth-serving facility licen-  
19 sure law or regulation that permits a length of stay  
20 in excess of such 540-day period, a continuous pe-  
21 riod not to exceed 730 days;”,

22 (3) in paragraph (14) by striking “and” at the  
23 end,

24 (4) in paragraph (15) by striking the period and  
25 inserting “; and”, and

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

1           “(16) to develop an adequate emergency pre-  
2           paredness and management plan.”.

3 **SEC. 206. COORDINATING, TRAINING, RESEARCH, AND**  
4 **OTHER ACTIVITIES.**

5           Part D of the Runaway and Homeless Youth Act (42  
6 U.S.C. 5714–21 et seq.) is amended by adding at the end  
7 the following:

8 **“SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVA-**  
9 **LENCE OF YOUTH HOMELESSNESS.**

10           “(a) PERIODIC ESTIMATE.—Not later than 2 years  
11 after the effective date of this section and at 5-year inter-  
12 vals thereafter, the Secretary shall prepare, and submit  
13 to the Speaker of the House of Representatives and the  
14 President pro tempore of the Senate, a written report—

15           “(1) by using the best quantitative and quali-  
16           tative social science research method available, con-  
17           taining an estimate of the incidence and prevalence  
18           of runaway and homeless individuals who are not  
19           less than 13 years of age and not more than 25  
20           years of age; and

21           “(2) that includes with such estimate an assess-  
22           ment of the characteristics of such individuals.

23           “(b) CONTENT.—Each assessment required by sub-  
24 section (a) shall include—

1           “(1) the results of conducting a survey of, and  
2           direct interviews with, a representative sample of  
3           runaway and homeless individuals who are not less  
4           than 13 years of age and not more than 25 years  
5           of age to determine past and current—

6                   “(A) socioeconomic characteristics of such  
7           individuals;

8                   “(B) barriers to such individuals obtain-  
9           ing—

10                   “(i) safe, quality, and affordable hous-  
11           ing;

12                   “(ii) comprehensive and affordable  
13           health insurance and health services; and

14                   “(iii) incomes, public benefits, sup-  
15           portive services, and connections to caring  
16           adults;

17                   “(C) such other information that the Sec-  
18           retary determines, in consultation with States,  
19           units of local government, and national non-  
20           governmental organizations concerned with  
21           homelessness, may be useful.

22           “(c) IMPLEMENTATION.—If the Secretary enters into  
23           any contract with a non-Federal entity for purposes of car-  
24           rying out subsection (a), such entity shall be a nongovern-  
25           mental organization, or an individual, determined by the

1 Secretary to have appropriate expertise in quantitative  
2 and qualitative social science research.”.

3 **SEC. 207. REPORT.**

4 (a) IN GENERAL.—Not later than 2 years after the  
5 date of the enactment of this Act, the Secretary of Health  
6 and Human Services shall submit to the Speaker of the  
7 House of Representatives and the President pro tempore  
8 of the Senate, a report based on the best quantitative re-  
9 search method available and containing an estimate of—

10 (1) the public service costs, including law en-  
11 forcement, emergent and urgent health services (in-  
12 cluding crisis mental health and substance abuse  
13 services), child welfare services, juvenile and criminal  
14 justice services, and public income benefits costs, at-  
15 tributable to such services being provided to run-  
16 away and homeless individuals who are not less than  
17 13 years of age and not more than 25 years of age,  
18 and

19 (2) the extent to which the public service cost  
20 reductions offset the costs of providing family reuni-  
21 fication, emergency shelter, transitional housing,  
22 permanent housing, and supportive services to such  
23 individuals.

24 (b) IMPLEMENTATION.—If the Secretary carries out  
25 subsection (a) by contract with an non-Federal entity,

1 such entity shall be a nongovernmental organization or an  
2 individual determined by the Secretary to have appro-  
3 priate expertise in quantitative and qualitative social  
4 science research.

5 **SEC. 208. NATIONAL HOMELESS YOUTH AWARENESS CAM-**  
6 **PAIGN.**

7 The Runaway and Homeless Youth Act (42 U.S.C.  
8 5601 et seq.) is amended—

9 (1) by redesignating part F as part G,

10 (2) by inserting after part E the following:

11 **“PART F—NATIONAL HOMELESS YOUTH**  
12 **AWARENESS CAMPAIGN**

13 **“SEC. 361. NATIONAL HOMELESS YOUTH AWARENESS CAM-**  
14 **PAIGN. .**

15 “(a) IN GENERAL.—The Secretary shall, directly or  
16 via contract, conduct a national homeless youth awareness  
17 campaign (referred to in this section as the ‘national  
18 awareness campaign’) in accordance with this section for  
19 purposes of—

20 “(1) preventing runaway and homeless situa-  
21 tions among youth in the United States;

22 “(2) increasing awareness of individuals of all  
23 ages of the issues facing youth in runaway and  
24 homeless situations;

1           “(3) assisting youth in crisis situations learn  
2           about resources and services available in their com-  
3           munities to intervene in or resolve the crisis; and

4           “(4) encouraging parents and guardians, edu-  
5           cators, health care professionals, social service pro-  
6           fessionals, law enforcement officials, and other inter-  
7           ested adults to assist youth in averting or resolving  
8           runaway and homeless situations.

9           “(b) USE OF FUNDS.—

10           “(1) IN GENERAL.—Amounts made available to  
11           carry out this section for the national awareness  
12           campaign may only be used for the following:

13                   “(A) The purchase of media time and  
14                   space, including the strategic planning for, and  
15                   accounting of, such purchases.

16                   “(B) Creative and talent costs.

17                   “(C) Advertising production costs.

18                   “(D) Testing and evaluation of advertising.

19                   “(E) Evaluation of the effectiveness of the  
20                   national media campaign.

21                   “(F) The negotiated fees for the winning  
22                   bidder on requests for proposals issued by the  
23                   Secretary to enter into contracts to carry out  
24                   activities authorized by this section.

1           “(G) Partnerships with national organiza-  
2           tions concerned with youth homelessness, com-  
3           munity-based youth service organizations, in-  
4           cluding faith-based organizations, and govern-  
5           ment organizations related to the national  
6           awareness campaign.

7           “(H) Entertainment industry outreach,  
8           interactive outreach, media projects and activi-  
9           ties, public information, news media outreach,  
10          and corporate sponsorship and participation.

11          “(I) Operational and management ex-  
12          penses.

13          “(2) SPECIFIC REQUIREMENTS.—

14                 “(A) TESTING AND EVALUATION OF AD-  
15                 VERTISING.—In using amounts for testing and  
16                 evaluation of advertising under paragraph  
17                 (1)(D), the Secretary shall test all advertise-  
18                 ments prior to use in the national awareness  
19                 campaign to ensure that the advertisements are  
20                 effective and meet industry-accepted standards.

21                 “(B) EVALUATION OF EFFECTIVENESS OF  
22                 AWARENESS CAMPAIGN.—In using amounts for  
23                 the evaluation of the effectiveness of the na-  
24                 tional awareness campaign under paragraph  
25                 (1)(E), the Secretary shall—

1           “(i) designate an independent entity  
2           to evaluate the effectiveness of the national  
3           awareness campaign; and

4           “(ii) ensure that the effectiveness of  
5           the national awareness campaign is evalu-  
6           ated in a manner that enables consider-  
7           ation of whether the national awareness  
8           has contributed to reducing runaway and  
9           homeless situations among youth, linking  
10          runaway and homeless youth to resources  
11          and services available in their communities,  
12          and such other measures of evaluation as  
13          the Secretary determinates are appro-  
14          priate.

15          “(c) PROHIBITIONS.—None of the amounts made  
16          available under subsection (b) may be obligated or ex-  
17          pende for any of the following:

18                 “(1) To supplant pro bono public service time  
19                 donated by national and local broadcasting networks  
20                 for the national awareness campaign.

21                 “(2) For partisan political purposes, or express  
22                 advocacy in support of or to defeat any clearly iden-  
23                 tified candidate, clearly identified ballot initiative, or  
24                 clearly identified legislative or regulatory proposal.

1           “(3) To fund advertising that features any  
2           elected officials, persons seeking elected office, cabi-  
3           net level officials, or other Federal employees em-  
4           ployed pursuant to section 213 of Schedule C of title  
5           5, Code of Federal Regulations.

6           “(4) To fund advertising that does not contain  
7           a primary message intended to reduce or prevent  
8           runaway and homeless situations among youth.

9           “(5) To fund advertising containing a primary  
10          message intended to promote support for the aware-  
11          ness campaign or private sector contributions to the  
12          awareness campaign.

13          “(d) FINANCIAL AND PERFORMANCE ACCOUNT-  
14          ABILITY.—The Secretary shall cause to be performed—

15                 “(1) audits and reviews of costs of the national  
16                 awareness campaign pursuant to section 304C of the  
17                 Federal Property and Administrative Services Act of  
18                 1949 (41 U.S.C. 254d); and

19                 “(2) an audit to determine whether the costs of  
20                 the national awareness campaign are allowable  
21                 under section 306 of such Act (41 U.S.C. 256).

22          “(e) REPORT.—The Secretary shall include in each  
23          report submitted under section 381(a) a summary of the  
24          national awareness campaign that describes—

1           “(1) the strategy of the national awareness  
2 campaign and whether specific objectives of the  
3 media campaign were accomplished;

4           “(2) steps taken to ensure that the national  
5 awareness campaign operates in an effective and ef-  
6 ficient manner consistent with the overall strategy  
7 and focus of the national awareness campaign;

8           “(3) plans to purchase advertising time and  
9 space;

10           “(4) policies and practices implemented to en-  
11 sure that Federal funds are used responsibly to pur-  
12 chase advertising time and space and eliminate the  
13 potential for waste, fraud, and abuse; and

14           “(5) all contracts entered into with a corpora-  
15 tion, partnership, or individual working on behalf of  
16 the national awareness campaign.”, and

17           (3) in section 388(a)—

18           (A) in paragraph (1) by striking “part E”  
19 and inserting “parts E and F”, and

20           (B) in paragraph (2) by adding at the end  
21 the following:

22           “(5) PART F.—There are authorized to be ap-  
23 propriated to carry out part F \$20,000,000 for fis-  
24 cal year 2009 and such sums as may be necessary  
25 for fiscal years 2010, 2011, 2012, and 2013.”.

1 **SEC. 209. GRANTS FOR RESEARCH EVALUATION, DEM-**  
2 **ONSTRATION, AND SERVICE PROJECTS.**

3 Section 343(b) Runaway and Homeless Youth Act  
4 (42 U.S.C. 5714–23(b)) is amended to read as follows:

5 “(b) PRIORITIES.—The Secretary—

6 “(1) shall establish priorities for making grants  
7 for purposes of carrying out projects under sub-  
8 section (a); and

9 “(2) not later than 1 year after the effective  
10 date of this subsection and at 2-year intervals there-  
11 after, shall provide an opportunity for public com-  
12 ment concerning the priorities proposed under para-  
13 graph (1) and maintain an official record of such  
14 public comment.”.

15 **SEC. 210. SEXUAL ABUSE PREVENTION PROGRAM.**

16 Section 351(a)(1) Runaway and Homeless Youth Act  
17 (42 U.S.C. 5714–41(a)(1)) is amended by inserting “pub-  
18 lic and” after “priority to”.

19 **SEC. 211. PERFORMANCE STANDARDS.**

20 Part G, as so redesignated, of Runaway and Home-  
21 less Youth Act (42 U.S.C. 5714a et seq.) is amended by  
22 adding at the end the following:

23 **“SEC. 290. PERFORMANCE STANDARDS.**

24 “(a) ESTABLISHMENT OF PERFORMANCE STAND-  
25 ARDS.—Not later than 2 years after the effective date of  
26 this section, the Secretary shall issue rules that specify

1 standards of performance for public and nonprofit private  
2 entities that receive grants under sections 311, 321 and  
3 351.

4 “(b) CONSULTATION.—The Secretary shall consult  
5 with representatives of public and nonprofit entities that  
6 receive grants under this title, statewide and regional non-  
7 profit organizations (and combinations of such organiza-  
8 tions) that receive grants under this title, and national  
9 nonprofit organizations concerned with youth homeless-  
10 ness in developing the performance standards required by  
11 subsection (a).

12 “(c) PUBLIC COMMENT.—The Secretary shall provide  
13 an opportunity for public comment concerning the estab-  
14 lishment of the performance standards required by sub-  
15 section (a) before issuing rules to establish such standards  
16 and shall maintain an official record of such public com-  
17 ment.”.

18 **SEC. 212. APPEALS.**

19 Part G, as so redesignated and as amended by section  
20 209, of Runaway and Homeless Youth Act (42 U.S.C.  
21 5714a et seq.) is amended by adding at the end the fol-  
22 lowing:

23 **“SEC. 291. APPEALS.**

24 “(a) ESTABLISHMENT OF APPEAL PROCEDURE.—  
25 Not later than 2 years after the effective date of this sec-

1 tion, the Secretary shall establish by rule a timely appeal  
2 procedure applicable to review the amounts of grants  
3 made, and the denial of grants requested, under this title.

4 “(b) CONSULTATION.—The Secretary shall consult  
5 with representatives of public and nonprofit private enti-  
6 ties that receive grants under this title, statewide and re-  
7 gional nonprofit organizations (and combinations of such  
8 organizations) that receive grants under this title, and na-  
9 tional nonprofit organizations concerned with youth home-  
10 lessness in establishing the appeal procedure required by  
11 subsection (a).

12 “(c) PUBLIC COMMENT.—The Secretary shall provide  
13 an opportunity for public comment concerning the estab-  
14 lishment of the appeal procedure required by subsection  
15 (a) before issuing rules to establish such procedure and  
16 shall maintain an official record of such public comment.”.

17 **SEC. 213. DEFINITION.**

18 Section 387 Runaway and Homeless Youth Act (42  
19 U.S.C. 5732a) is amended—

20 (1) by redesignating paragraphs (4), (5), (6),  
21 and (7) as paragraphs (5), (6), (7), and (8), respec-  
22 tively, and

23 (2) by inserting after paragraph (3) the fol-  
24 lowing:

1           “(4) RUNAWAY YOUTH.—The term ‘runaway  
2 youth’ means an individual who is less than 18 years  
3 of age and who absents himself or herself from home  
4 or place of legal residence without the permission of  
5 parents or legal guardians.”.

6 **SEC. 214. AUTHORIZATION OF APPROPRIATIONS.**

7           Section 388(a) Runaway and Homeless Youth Act  
8 (42 U.S.C. 5751(a)) is amended—

9           (1) in paragraph (1)—

10           (A) by striking “\$105,000,000 for fiscal  
11 year 2004” and inserting “\$200,000,000 for  
12 fiscal year 2009”, and

13           (B) by striking “2005, 2006, 2007, and  
14 2008” and inserting “2010, 2011, 2012, and  
15 2013” , and

16           (2) in paragraph (4) by striking “such sums as  
17 may be necessary for fiscal years 2004, 2005, 2006,  
18 2007, and 2008” and inserting “\$30,000,000 for  
19 fiscal year 2009 and such sums as may be necessary  
20 for fiscal years 2010, 2011, 2012, and 2013”.

21 **SEC. 215. LOAN FORGIVENESS FOR RUNAWAY AND HOME-**  
22 **LESS YOUTH WORKERS.**

23           (a) FFEL AND DIRECT LOAN FORGIVENESS.—Title  
24 IV of the Higher Education Act of 1965 (20 U.S.C. 1070

1 et seq.) is amended by inserting after section 428K the  
2 following new section:

3 **“SEC. 428L. LOAN FORGIVENESS FOR RUNAWAY AND HOME-**  
4 **LESS YOUTH WORKERS.**

5 “(a) PURPOSE.—The purpose of this section is to en-  
6 courage qualified individuals to enter and continue em-  
7 ployment as workers for runaway and homeless youth.

8 “(b) LOAN FORGIVENESS.—

9 “(1) LOAN FORGIVENESS AUTHORIZED.—The  
10 Secretary is authorized to forgive, in accordance  
11 with this section and the agreement described in  
12 subsection (e), the student loan debt of an eligible  
13 borrower in the amount specified in subsection (d)  
14 and for the period specified in such agreement.

15 “(2) METHOD OF LOAN FORGIVENESS.—To  
16 provide the loan forgiveness authorized in paragraph  
17 (1), the Secretary is authorized to carry out a pro-  
18 gram—

19 “(A) through the holder of the loan, to as-  
20 sume the obligation to repay a qualified loan  
21 amount for a loan made under part B of this  
22 title; and

23 “(B) to cancel a qualified loan amount for  
24 a loan made under part D of this title.

1       “(c) ELIGIBLE BORROWER.—The Secretary is au-  
2 thORIZED to provide loan forgiveness under this section to  
3 any individual who—

4               “(1) is employed as a worker for runaway and  
5 homeless youth on, at a minimum, a part-time basis  
6 of at least 20 hours per week, and who has been em-  
7 ployed as such for not less than 5 consecutive years  
8 on, at minimum, such a part-time basis; and

9               “(2) is not in default on a loan for which the  
10 borrower seeks forgiveness.

11       “(d) LOAN FORGIVENESS AMOUNT.—The Secretary  
12 may, from funds appropriated under subsection (l), forgive  
13 the loan obligation of an eligible borrower in accordance  
14 with such terms, limitations, and conditions as may be  
15 mutually agreed upon by such borrower and the Secretary  
16 in the agreement described in subsection (e), except that  
17 the amount paid by the Secretary under this section shall  
18 not exceed \$17,500 in the aggregate for any borrower.

19       “(e) LOAN FORGIVENESS AGREEMENT.—

20               “(1) TERMS OF AGREEMENT.—The Secretary  
21 shall not provide loan forgiveness to an eligible bor-  
22 rower unless the borrower enters into a written  
23 agreement with the Secretary which provides that—

24                       “(A) the borrower shall remain employed  
25 as a worker for runaway and homeless youth

1 for a period of service specified in the agree-  
2 ment (but not less than 5 years), unless invol-  
3 untarily separated from that employment;

4 “(B) if the borrower is involuntarily sepa-  
5 rated from the employment described in sub-  
6 paragraph (A) on account of misconduct, or vol-  
7 untarily separates from that employment, be-  
8 fore the end of the period specified in the agree-  
9 ment, the borrower shall repay the Secretary  
10 the amount of any benefits received by such  
11 borrower under this section;

12 “(C) if the borrower is required to repay  
13 an amount to the Secretary under subpara-  
14 graph (B) and fails to repay such amount, a  
15 sum equal to such amount shall be recoverable  
16 by the Government from the borrower (or such  
17 borrower’s estate, if applicable) by such method  
18 as is provided by law for the recovery of  
19 amounts owing to the Government;

20 “(D) the Secretary may waive, in whole or  
21 in part, a right of recovery under this sub-  
22 section if it is shown that recovery would be  
23 against equity and good conscience or against  
24 the public interest; and

1           “(E) the Secretary shall provide loan for-  
2           giveness under this section for the period of the  
3           agreement, subject to the availability of appro-  
4           priations.

5           “(2) AGREEMENT RENEWAL.—Upon completion  
6           by an eligible borrower of the period of service re-  
7           quired under the agreement described in paragraph  
8           (1), the Secretary may renew such agreement with  
9           the eligible borrower for a successive period of serv-  
10          ice to be specified in the renewed agreement (which  
11          may be less than 5 years).

12          “(f) REPAYMENTS BY BORROWERS.—Any amount re-  
13          paid by, or recovered from, a borrower (or a borrower’s  
14          estate) under subsection (e)(1)(B) shall be credited to the  
15          appropriation account from which the loan forgiveness  
16          amount involved was originally paid. Any amount so cred-  
17          ited shall be merged with other sums in such account and  
18          shall be available for the same purposes and period, and  
19          subject to the same limitations (if any), as the sums with  
20          which the amount was merged.

21          “(g) APPLICATION FOR LOAN FORGIVENESS.—An el-  
22          igible borrower desiring loan forgiveness under this section  
23          shall submit a complete and accurate application to the  
24          Secretary at such time, in such manner, and containing  
25          such information as the Secretary may require.

1       “(h) PRIORITY.—The Secretary shall provide loan  
2 forgiveness under this section on a first-come, first-served  
3 basis, and subject to the availability of appropriations.

4       “(i) REGULATIONS.—The Secretary is authorized to  
5 issue such regulations as may be necessary to carry out  
6 the provisions of this section.

7       “(j) CONSTRUCTION.—Nothing in this section shall  
8 be construed to authorize the refunding of any repayment  
9 of any loan made by a borrower prior to the date on which  
10 the Secretary entered into an agreement with the borrower  
11 under subsection (e).

12       “(k) DEFINITION.—In this section the term ‘worker  
13 for runaway and homeless youth’ means an employee of  
14 a public or nonprofit private entity providing services for  
15 runaway and homeless youth that is an entity receiving  
16 grant awards under section 5711, section 5714–1, or sec-  
17 tion 5714–41 of the Runaway and Homeless Youth Act  
18 (42 U.S.C. 5701 et seq.), or that the Secretary of Health  
19 and Human Services determines to meet the requirements  
20 for receiving such grant awards.

21       “(l) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to carry out this section  
23 \$20,000,000 for fiscal year 2009, and such sums as may  
24 be necessary for each of the fiscal years 2010 through  
25 2013.”.

1 (b) CANCELLATION OF LOANS.—

2 (1) AMENDMENT.—Section 465(a)(2) of the  
3 Higher Education Act of 1965 (20 U.S.C.  
4 1087ee(a)(2)) is amended—

5 (A) by striking “or” at the end of subpara-  
6 graph (H);

7 (B) by striking the period at the end of  
8 subparagraph (I) and inserting “; or”; and

9 (C) by inserting after subparagraph (I) the  
10 following new subparagraph:

11 “(J) as a full-time worker for runaway and  
12 homeless youth (as defined in section 428L).”.

13 (2) EFFECTIVE DATE.—The amendment made  
14 by this subsection shall apply with respect to—

15 (A) eligible loans made before, on, or after  
16 the date of enactment of this Act; and

17 (B) service as a worker for runaway and  
18 homeless youth (as defined in section 428L of  
19 the Higher Education Act of 1965, as amended  
20 by subsection (a) of this section) that is pro-  
21 vided on or after the date of enactment of this  
22 Act.

23 (3) CONSTRUCTION.—Nothing in this sub-  
24 section shall be construed to authorize the refunding  
25 of any repayment of a loan made by a borrower

1 prior to the date on which the borrower became eli-  
 2 gible for cancellation under section 465(a) of the  
 3 Higher Education Act of 1965 (20 U.S.C.  
 4 1087ee(a)).

## 5 **Subtitle B—HUD McKinney-Vento** 6 **Programs**

### 7 **SEC. 221. DEFINITION OF HOMELESS INDIVIDUAL.**

8 Section 103 of the McKinney-Vento Homeless Assist-  
 9 ance Act (42 U.S.C. 11302) is amended—

10 (1) by striking subsection (a) and inserting the  
 11 following new subsection:

12 “(a) IN GENERAL.—For purposes of this Act, the  
 13 terms ‘homeless’, ‘homeless individual’, and ‘homeless per-  
 14 son’—

15 “(1) mean an individual who lacks a fixed, reg-  
 16 ular, and adequate nighttime residence; and

17 “(2) include—

18 “(A) an individual who—

19 “(i) is sharing the housing of other  
 20 persons due to loss of housing, economic  
 21 hardship, or a similar reason;

22 “(ii) is living in a motel, hotel, trailer  
 23 park, or camping ground due to the lack of  
 24 alternative adequate accommodations;

1                   “(iii) is living in an emergency or  
2                   transitional shelter;

3                   “(iv) is abandoned in a hospital; or

4                   “(v) is awaiting foster care placement;

5                   “(B) an individual who has a primary  
6                   nighttime residence that is a public or private  
7                   place not designed for or ordinarily used as a  
8                   regular sleeping accommodation for human  
9                   beings;

10                  “(C) an individual who is living in a car,  
11                  park, public space, abandoned building, sub-  
12                  standard housing, bus or train station, or simi-  
13                  lar setting; and

14                  “(D) migratory children (as such term is  
15                  defined in section 1309 of the Elementary and  
16                  Secondary Education Act of 1965 (20 U.S.C.  
17                  6399) who qualify as homeless for the purposes  
18                  of this Act because the children are living in  
19                  circumstances described in any of subpara-  
20                  graphs (A) through (C) of this paragraph.”;  
21                  and

22                  (2) in subsection (c)—

23                         (A) by striking “or otherwise detained”;  
24                         and

1 (B) by inserting after the period at the end  
2 the following: “Such term includes individuals  
3 who have been released from prison on parole.”.

4 **SEC. 222. ELIGIBILITY OF ACTIVITIES TO PROVIDE FAMILY**  
5 **SUPPORT SERVICES UNDER EMERGENCY**  
6 **SHELTER GRANTS PROGRAM .**

7 Subsection (a) of section 414 of the McKinney-Vento  
8 Homeless Assistance Act (42 U.S.C. 11374(a)) is amend-  
9 ed by inserting after paragraph (4) the following new  
10 paragraph:

11 “(5) Programs and projects to preserve, sup-  
12 port, or reunify families in which a child or youth  
13 member is a runaway, homeless, or street youth or  
14 at risk of becoming a runaway, homeless, or street  
15 youth.”.

16 **SEC. 223. ELIGIBILITY OF FAMILY STRENGTHENING**  
17 **PROJECTS TO PREVENT YOUTH HOMELESS-**  
18 **NESS UNDER SUPPORTIVE HOUSING PRO-**  
19 **GRAM.**

20 Subsection (c) of section 425 of the McKinney-Vento  
21 Homeless Assistance Act (42 U.S.C. 11385(c)) is amend-  
22 ed by striking “and (G)” and inserting the following: “(G)  
23 establishing and operating programs and projects to pre-  
24 serve, support, or reunify families in which a child or  
25 youth member is a runaway, homeless, or street youth or

1 at risk of becoming a runaway, homeless, or street youth,  
2 and (H)”.

3 **Subtitle C—John H. Chafee Foster**  
4 **Care Independence Program**

5 **SEC. 231. JOHN H. CHAFEE FOSTER CARE INDEPENDENCE**  
6 **PROGRAM.**

7 (a) INCREASE IN ANNUAL AUTHORIZATION  
8 LEVEL.—Section 477(h)(1) of the Social Security Act (42  
9 U.S.C. 677(h)(1)) is amended by striking “\$140,000,000”  
10 and inserting “\$200,000,000”.

11 (b) EXPANSION OF ELIGIBILITY FOR SERVICES.—  
12 Section 477 of such Act (42 U.S.C. 677) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by striking “18” and  
15 inserting “14”; and

16 (B) in paragraph (5), by striking “between  
17 18 and 21” and inserting “who have attained  
18 18 years of age, and who have not attained 25  
19 years of age”;

20 (2) in each of subsections (b)(3)(A) and  
21 (b)(3)(B), by striking “21” and inserting “25”;

22 (3) in subsection (i)—

23 (A) in paragraph (2), by striking “youths  
24 adopted from foster care after attaining age

1           16” and inserting “youths in or exiting from  
2           foster care after attaining 14 years of age”; and

3                   (B) by striking paragraph (3) and redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively.

6           (c) AUTHORITY TO USE PROGRAM FUNDS TO PROVIDE INDEPENDENT LIVING SERVICES AND EDUCATION AND TRAINING VOUCHERS FOR CHILDREN WHO EXIT FOSTER CARE TO GUARDIANSHIP OR ADOPTION AFTER AGE 14.—

11                   (1) INDEPENDENT LIVING SERVICES.—Section 477(a) of such Act (42 U.S.C. 677(a)) is amended—

13                           (A) by striking “and” at the end of paragraph (5);

15                           (B) by striking the period at the end of paragraph (6) and inserting “; and”; and

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

18                           “(7) to provide the services referred to in this subsection to children who, after attaining 14 years of age, have left foster care for kinship guardianship or adoption.”.

22                   (2) EDUCATION AND TRAINING VOUCHERS.—Section 477(i)(2) of such Act (42 U.S.C. 677(i)(2)) is amended by striking “from foster care after attaining age 16” and inserting “or entering kinship

1 guardianship from foster care after attaining 14  
2 years of age”.

3 (d) ELIGIBILITY OF PRIVATE SERVICE PROVIDERS  
4 FOR FUNDS.—Section 477(b)(2) of such Act (42 U.S.C.  
5 677(b)(2)) is amended by adding at the end the following:

6 “(G) Distribute funds provided to the  
7 State under this section among a diverse range  
8 of qualified providers of services that are pri-  
9 vate entities, and ensure that the entities have  
10 equal opportunity to receive the funds.”.

11 (e) EXPANSION OF PROGRAM EVALUATIONS.—Sec-  
12 tion 477(g)(1) of such Act (42 U.S.C. 677(g)(1)) is  
13 amended—

14 (1) in the 1st sentence, by inserting “, and of  
15 model programs that focus on improving outcomes  
16 for youth aging out of care in the areas of edu-  
17 cation, employment, personal development, and  
18 housing” after “significance”;

19 (2) in the 2nd sentence, by striking “and per-  
20 sonal development” and inserting “mental and phys-  
21 ical health, personal development, and housing, and  
22 on the use of room and board services and how the  
23 use of the services improve housing outcomes for  
24 youth.”; and

1           (3) in the 3rd sentence, by inserting “, where  
2           practicable,” before “random assignment”.

3           (f) IMPROVING AWARENESS OF AVAILABLE SERV-  
4 ICES.—

5           (1) DUTIES OF THE SECRETARY.—Section 477  
6           of such Act (42 U.S.C. 677) is amended by adding  
7           at the end the following:

8           “(j) DISTRIBUTION OF INFORMATION ABOUT OTHER  
9 RELATED PROGRAMS.—To improve access to the array of  
10 services available to youth transitioning out of foster care  
11 and assist States in leveraging available resources, the  
12 Secretary shall provide for the efficient distribution to  
13 States and local areas of information about Federal pro-  
14 grams, other than the program established by this section,  
15 that may assist youth in their transition to self-sufficiency  
16 and provide guidance on how to access services under the  
17 programs.”.

18           (2) DUTIES OF THE STATE.—Section 477(b)(3)  
19           of such Act (42 U.S.C. 677(b)(3)) is amended—

20                   (A) by redesignating subparagraphs (H)  
21                   through (J) as subparagraphs (I) through (K),  
22                   respectively; and

23                   (B) by inserting after subparagraph (F)  
24                   the following:

1           “(G) A certification by the chief executive offi-  
2           cer that, when or before a child leaves foster care  
3           under the responsibility of the State, the State will  
4           inform the child of the full range of available finan-  
5           cial, housing, counseling, health, public benefit em-  
6           ployment, and education services, and other appro-  
7           priate support and services for which the child is eli-  
8           gible.”.

9           **Subtitle D—Youth Offender**  
10           **Reentry Grants Program**

11       **SEC. 241. ESTABLISHMENT OF PROGRAM.**

12           The Attorney General shall carry out a program  
13           under which the Attorney General may award grants to  
14           States to provide for programs designed and conducted for  
15           the following purposes:

16           (1) To identify individuals who are incarcerated  
17           in correctional facilities and who are likely to be re-  
18           leased from such facilities before attaining 25 years  
19           of age, and to help such individuals make the transi-  
20           tion to self-sufficiency by providing pre-release serv-  
21           ices such discharge planning and reentry planning,  
22           training in daily living skills, training in parenting  
23           skills, training in budgeting and financial manage-  
24           ment skills, substance abuse prevention, mental  
25           health counseling, and preventive health activities

1 (including smoking avoidance, nutrition education,  
2 sexually transmitted illnesses prevention (including  
3 HIV prevention), and pregnancy prevention), and  
4 assistance in applying for income assistance and  
5 health insurance for which the individual may be eli-  
6 gible.

7 (2) To help such individuals receive at the pre-  
8 release and post-release stages the education, train-  
9 ing, and services necessary to obtain employment  
10 and housing.

11 (3) To help such individuals at the pre-release  
12 and post-release stages prepare for and enter post-  
13 secondary training and education institutions.

14 (4) To provide personal and emotional support  
15 to such individuals at the pre-release and post-re-  
16 lease stages through mentors and the promotion of  
17 interactions with dedicated adults.

18 (5) To provide post-release financial, housing,  
19 counseling, employment, education, health and men-  
20 tal health, assistance in applying for public benefits,  
21 and other appropriate support and services to such  
22 individuals to complement their own efforts to  
23 achieve self-sufficiency and to assure that program  
24 participants recognize and accept their personal re-

1       sponsibility for preparing for and then making the  
2       transition from adolescence to adulthood.

3               (6) To make available to such individuals post-  
4       release vouchers for education and training, includ-  
5       ing postsecondary training and education.

6               (7) To help such individuals at the pre-release  
7       and post-release stages repair harm to victims, fam-  
8       ily members, and communities caused by their of-  
9       fense, including through community service and  
10      through victim impact programming.

11 **SEC. 242. APPLICATIONS.**

12       (a) IN GENERAL.—A State may apply for funds from  
13      its allotment under section 243 for a period of five con-  
14      secutive fiscal years by submitting to the Attorney Gen-  
15      eral, in writing, a plan that meets the requirements of sub-  
16      section (b) and the certifications required by subsection  
17      (c) with respect to the plan.

18       (b) STATE PLAN.—A plan meets the requirements of  
19      this subsection if the plan specifies which State agency  
20      or agencies will administer, supervise, or oversee the pro-  
21      grams carried out under the plan, and describes how the  
22      State intends to do the following:

23               (1) Design and deliver programs to achieve the  
24      purposes of this title.

1           (2) Ensure utilization of funds for both pre-re-  
2           lease and post-release supports and services, though  
3           not necessarily in a uniform manner.

4           (3) Ensure that the programs serve individuals  
5           described in section 241(1) of various ages and at  
6           various stages of achieving independence.

7           (4) Involve the public and private sectors in  
8           helping such individuals achieve independence.

9           (5) Distribute funds provided to the State  
10          under this section among a diverse range of qualified  
11          private nonprofit providers of post-release supports  
12          and services, and ensure that the entities have equal  
13          opportunity to receive the funds.

14          (6) Cooperate in national evaluations of the ef-  
15          fects of the programs in achieving the purposes of  
16          this title.

17          (c) CERTIFICATIONS.—The certifications required by  
18          this paragraph with respect to a plan are the following:

19               (1) A certification by the chief executive officer  
20               of the State that the State will provide assistance  
21               and services to individuals described in section  
22               241(1).

23               (2) A certification by the chief executive officer  
24               of the State that not more than 30 percent of the  
25               amounts paid to the State from its allotment under

1 section 243 for a fiscal year will be expended for  
2 post-release room or board for such individuals.

3 (3) A certification by the chief executive officer  
4 of the State that the State will provide training to  
5 help family members, providers of supports and  
6 services, and correctional facility personnel under-  
7 stand and address the issues confronting such indi-  
8 viduals preparing for independent living.

9 (4) A certification by the chief executive officer  
10 of the State that the State has consulted widely with  
11 public and private organizations in developing the  
12 plan and that the State has given all interested  
13 members of the public at least 30 days to submit  
14 comments on the plan.

15 (5) A certification by the chief executive officer  
16 of the State that the State will make every effort to  
17 coordinate the State programs receiving funds pro-  
18 vided from an allotment made to the State under  
19 section 243 with other Federal and State programs  
20 for any of such individuals (especially the John H.  
21 Chafee Foster Care Independence Program under 42  
22 U.S.C. 677 and transitional living youth projects  
23 funded under part B of title III of the Juvenile Jus-  
24 tice and Delinquency Prevention Act of 1974 (42  
25 U.S.C. 5714–1 et seq.)), local housing programs,

1 programs for disabled individuals, and youth activi-  
2 ties of local workforce one-stop centers.

3 (6) A certification by the chief executive officer  
4 of the State that each Indian tribe in the State has  
5 been consulted about the programs to be carried out  
6 under the plan; that there have been efforts to co-  
7 ordinate the programs with such tribes; and that  
8 benefits and services under the programs will be  
9 made available to such individuals who are Indian in  
10 the State on the same basis as to other such individ-  
11 uals in the State.

12 (7) A certification by the chief executive officer  
13 that, when or before an individual described in sec-  
14 tion 241(1) leaves a correctional facility, the State  
15 will inform the individual of the full range of avail-  
16 able financial, housing, counseling, health and men-  
17 tal health, employment, education, community serv-  
18 ices, victim impact programming, and other appro-  
19 priate support and services for which the individual  
20 is eligible.

21 (8) A certification by the chief executive officer  
22 of the State that the State will ensure that such in-  
23 dividuals participating in the program under this  
24 title participate directly in designing their own case  
25 plans, discharge plans, reentry plans and program

1 activities that prepare them for independent living  
2 and that such individuals accept personal responsi-  
3 bility for living up to their part of the program.

4 (9) A certification by the chief executive officer  
5 of the State that the State has established and will  
6 enforce standards and procedures to prevent fraud  
7 and abuse in the programs carried out under the  
8 plan.

9 (10) A certification by the chief executive offi-  
10 cer of the State that the State educational and  
11 training voucher program under this title is in com-  
12 pliance with the conditions specified in section 249,  
13 including a statement describing methods the State  
14 will use—

15 (A) to ensure that the total amount of edu-  
16 cational assistance to any such individual under  
17 this title and under other Federal and federally  
18 supported programs does not exceed the limita-  
19 tion specified in section 249(3); and

20 (B) to avoid duplication of benefits under  
21 this and any other Federal or federally assisted  
22 benefit program.

23 (d) APPROVAL.—The Attorney General shall approve  
24 an application submitted by a State pursuant to sub-  
25 section (a) for a period if—

1           (1) the application is submitted on or before  
2           June 30 of the calendar year in which such period  
3           begins; and

4           (2) the Attorney General finds that the applica-  
5           tion contains the material required by subsection  
6           (a).

7           (e) **AUTHORITY TO IMPLEMENT CERTAIN AMEND-**  
8           **MENTS; NOTIFICATION.**—A State with an application ap-  
9           proved under subsection (d) may implement any amend-  
10          ment to the plan contained in the application if the appli-  
11          cation, incorporating the amendment, would be approvable  
12          under subsection (d). Within 30 days after a State imple-  
13          ments any such amendment, the State shall notify the At-  
14          torney General of the amendment.

15          (f) **AVAILABILITY.**—The State shall make available to  
16          the public any application submitted by the State pursu-  
17          ant to subsection (a), and a brief summary of the plan  
18          contained in the application.

19          **SEC. 243. ALLOTMENTS TO STATES.**

20          (a) **GENERAL PROGRAM ALLOTMENT.**—From the  
21          amount specified in section 248(1) that remains after ap-  
22          plying section 247(b) for a fiscal year, the Attorney Gen-  
23          eral shall allot to each State with an application approved  
24          under section 242 for the fiscal year the amount which  
25          bears the ratio to such remaining amount equal to the

1 State youth ratio, as adjusted in accordance with sub-  
2 section (b).

3 (b) HOLD HARMLESS POSITION.—

4 (1) IN GENERAL.—The Attorney General shall  
5 allot to each State whose allotment for a fiscal year  
6 under subsection (a) is less than the greater of  
7 \$500,000 or the amount payable to the State under  
8 this title for fiscal year 2008, an additional amount  
9 equal to the difference between such allotment and  
10 such greater amount.

11 (2) RATABLE REDUCTION OF CERTAIN ALLOT-  
12 MENTS.—In the case of a State not described in  
13 paragraph (1) for a fiscal year, the Attorney General  
14 shall reduce the amount allotted to the State for the  
15 fiscal year under subsection (a) by the amount that  
16 bears the same ratio to the sum of the differences  
17 determined under paragraph (1) for the fiscal year  
18 as the excess of the amount so allotted over the  
19 greater of \$500,000 or the amount payable to the  
20 State under this title for fiscal year 1998 bears to  
21 the sum of such excess amounts determined for all  
22 such States.

23 (c) VOUCHER PROGRAM ALLOTMENT.—From the  
24 amount, if any, appropriated pursuant to section 248(2)  
25 for a fiscal year, the Attorney General may allot to each

1 State with an application approved under section 242 for  
2 the fiscal year an amount equal to the State youth ratio  
3 multiplied by the amount so specified.

4 (d) STATE YOUTH RATIO.—In this section, the term  
5 “State youth ratio” means the ratio of the number individ-  
6 uals who have attained at least age 13 and who have not  
7 attained age 25 in the State in the most recent fiscal year  
8 for which the information is available to the total number  
9 of individuals who have attained at least age 13 and who  
10 have not attained age 25 in all States for the most recent  
11 fiscal year.

12 **SEC. 244. USE OF FUNDS.**

13 (a) IN GENERAL.—A State to which an amount is  
14 paid from its allotment under section 243 may use the  
15 amount in any manner that is reasonably calculated to ac-  
16 complish the purposes of this title.

17 (b) NO SUPPLANTATION OF OTHER FUNDS AVAIL-  
18 ABLE FOR SAME GENERAL PURPOSES.—The amounts  
19 paid to a State from its allotment under section 243 shall  
20 be used to supplement and not supplant any other funds  
21 which are available for the same general purposes in the  
22 State.

23 (c) TWO-YEAR AVAILABILITY OF FUNDS.—Payments  
24 made to a State under this title for a fiscal year shall be

1 expended by the State in the fiscal year or in the suc-  
2 ceeding fiscal year.

3 (d) REALLOCATION OF UNUSED FUNDS.—If a State  
4 does not apply for funds under this title for a fiscal year  
5 within such time as may be provided by the Attorney Gen-  
6 eral, the funds to which the State would be entitled for  
7 the fiscal year shall be reallocated to 1 or more other  
8 States on the basis of their relative need for additional  
9 payments under this title, as determined by the Attorney  
10 General.

11 **SEC. 245. PENALTIES.**

12 (a) USE OF GRANT IN VIOLATION OF THIS PART.—  
13 The Attorney General shall assess a penalty against a  
14 State that fails to operate a program receiving funds from  
15 an allotment made to a State under section 243 in a man-  
16 ner that is consistent with, or not disclosed in the State  
17 application approved under section 242 in an amount  
18 equal to not less than 1 percent and not more than 5 per-  
19 cent of the amount of the allotment.

20 (b) FAILURE TO COMPLY WITH DATA REPORTING  
21 REQUIREMENT.—The Attorney General shall assess a  
22 penalty against a State that fails during a fiscal year to  
23 comply with an information collection plan implemented  
24 under section 246 in an amount equal to not less than

1 1 percent and not more than 5 percent of the amount al-  
2 lotted to the State for the fiscal year.

3 (c) PENALTIES BASED ON DEGREE OF NONCOMPLI-  
4 ANCE.—The Attorney General shall assess penalties under  
5 this subsection based on the degree of noncompliance.

6 **SEC. 246. DATA COLLECTION AND PERFORMANCE MEAS-**  
7 **UREMENT.**

8 (a) IN GENERAL.—The Attorney General, in con-  
9 sultation with State and local public officials responsible  
10 for administering juvenile justice and criminal justice pro-  
11 grams, juvenile justice advocates, youth service providers,  
12 and researchers, shall—

13 (1) develop outcome measures (including meas-  
14 ures of educational attainment, high school diploma  
15 (or its equivalent), employment, homelessness, non-  
16 marital childbirth, recidivism, and high-risk behav-  
17 iors) that can be used to assess the performance of  
18 States in operating youth offender reentry programs;

19 (2) identify data elements needed to track—

20 (A) the number and characteristics of  
21 youths receiving services under this title;

22 (B) the type and quantity of services being  
23 provided; and

24 (C) State performance on the outcome  
25 measures; and

1           (3) develop and implement a plan to collect the  
2           needed information beginning with the second fiscal  
3           year beginning after December 14, 2008.

4 **SEC. 247. EVALUATIONS.**

5           (a) IN GENERAL.—The Attorney General shall con-  
6           duct evaluations of such State programs funded under this  
7           title as the Attorney General deems to be innovative or  
8           of potential national significance. The evaluation of any  
9           such program shall include information on the effects of  
10          the program on education, employment, mental and phys-  
11          ical health, personal development, and housing, and the  
12          use of room and board services and how the use of the  
13          services improves housing outcomes for the individuals. To  
14          the maximum extent practicable, the evaluations shall be  
15          based on rigorous scientific standards including, where  
16          practicable, random assignment to treatment and control  
17          groups. The Attorney General is encouraged to work di-  
18          rectly with State and local governments to design methods  
19          for conducting the evaluations, directly or by grant or con-  
20          tract.

21          (b) FUNDING OF EVALUATIONS.—The Attorney Gen-  
22          eral shall reserve 1.5 percent of the amount under section  
23          248 for a fiscal year to carry out, during the fiscal year,  
24          evaluation, technical assistance, performance measure-  
25          ment, and data collection activities related to this title,

1 directly or through grants or contracts with appropriate  
2 entities.

3 **SEC. 248. LIMITATIONS ON AUTHORIZATION OF APPRO-**  
4 **PRIATIONS.**

5 There are authorized to be appropriated for each fis-  
6 cal year—

7 (1) \$200,000,000 to carry out this title; and

8 (2) \$60,000,000 to carry out section 249.

9 **SEC. 249. EDUCATIONAL AND TRAINING VOUCHERS.**

10 The following conditions shall apply to a State edu-  
11 cational and training voucher program under this title:

12 (1) Vouchers under the program may be avail-  
13 able to individuals who are eligible for other services  
14 under the State program carried out under this title.

15 (2) Vouchers provided for an individual under  
16 this title—

17 (A) may be available for the cost of attend-  
18 ance at an institution of higher education, as  
19 defined in section 102 of the Higher Education  
20 Act of 1965 (20 U.S.C. 1002); and

21 (B) shall not exceed the lesser of \$5,000  
22 per year or the total cost of attendance, as de-  
23 fined in section 472 of the Higher Education  
24 Act of 1965 (20 U.S.C.1087ll).

1           (3) The amount of a voucher under this title  
2           may be disregarded for purposes of determining the  
3           recipient's eligibility for, or the amount of, any other  
4           Federal or federally supported assistance, except  
5           that the total amount of educational assistance to an  
6           individual under this title and under other Federal  
7           and federally supported programs shall not exceed  
8           such total cost of attendance and except that the  
9           State agency shall take appropriate steps to prevent  
10          duplication of benefits under this and other Federal  
11          or federally supported programs.

12           (4) The program is coordinated with other ap-  
13          propriate education and training programs.

14       **Subtitle E—Transitional Housing**  
15       **Program for Youth Victims of**  
16       **Commercial Sexual Exploitation**

17       **SEC. 251. TRANSITIONAL HOUSING ASSISTANCE FOR**  
18                       **YOUTH VICTIMS OF COMMERCIAL SEXUAL**  
19                       **EXPLOITATION.**

20           The Family Violence Prevention and Services Act (42  
21       U.S.C. 10401 et seq.) is amended by inserting after sec-  
22       tion 319 the following new section:

1 **“SEC. 319A. TRANSITIONAL HOUSING ASSISTANCE FOR**  
2 **YOUTH VICTIMS OF COMMERCIAL SEXUAL**  
3 **EXPLOITATION.**

4 “(a) **AUTHORITY FOR PROGRAM.**—The Secretary of  
5 Health and Human Services shall, to the extent amounts  
6 are made available for grants under this section, make  
7 grants and provide technical assistance under this section  
8 to public and nonprofit private entities to protect, treat,  
9 and promote a transition to self-sufficient living for youth  
10 subjected to trafficking through establishing and oper-  
11 ating safe houses for such youth.

12 “(b) **ELIGIBILITY FOR ASSISTANCE.**—Assistance  
13 under this section may be provided only for the establish-  
14 ment, strengthening, or funding of a facility or facilities,  
15 which may be group homes, host family homes, or super-  
16 vised apartments, as residences for youth subjected to  
17 trafficking that—

18 “(1) provide voluntary and confidential access  
19 to such youth;

20 “(2) provide adequate and appropriate protec-  
21 tion to such youth from sexual exploiters, including  
22 on-site supervision at each facility that is not a host  
23 family home;

24 “(3) provide such youth with appropriate serv-  
25 ices under subsection (d) to facilitate transition of  
26 the resident youth to self-sufficient living; and

1           “(4) provide a number of staff sufficient to en-  
2           sure that all youth at the facility receive adequate  
3           supervision and services.

4           “(c) SUPPORTIVE SERVICES.—Support services de-  
5           scribed in this subsection include the following:

6           “(1) outreach for the purpose of identifying  
7           youth subjected to trafficking;

8           “(2) preventative, primary care and specialty  
9           health services (including screening and treatment  
10          for sexually transmitted illnesses, counseling, mental  
11          health services, and substance abuse services);

12          “(3) habilitation and rehabilitation;

13          “(4) case management;

14          “(5) service coordination;

15          “(6) personal financial planning;

16          “(7) life skills education;

17          “(8) parenting education;

18          “(9) transportation;

19          “(10) vocational training;

20          “(11) employment and training;

21          “(12) education;

22          “(13) assistance in obtaining public benefits;

23          “(14) assistance in obtaining income support;

24          “(15) assistance in obtaining health insurance;

25          “(16) representative payee services;

- 1           “(17) legal assistance;  
2           “(18) child care;  
3           “(19) housing counseling;  
4           “(20) recreational services;  
5           “(21) leadership development; and  
6           “(22) other services necessary for transition to  
7           self-sufficient living.

8           “(d) TERM OF ASSISTANCE.—A facility assisted  
9           under this section may not provide residence, shelter, sup-  
10          port services, or other assistance to any youth subjected  
11          to trafficking for a period of more than 730 days, except  
12          that a youth subjected to trafficking who, as of the last  
13          day of such a 730-day period of assistance, has not at-  
14          tained 21 years of age, may, if otherwise, continue to be  
15          provided such assistance until the youth attains 21 years  
16          of age.

17          “(e) REPORTS.—

18                 “(1) TO SECRETARY.—

19                         “(A) IN GENERAL.—Each entity that re-  
20                         ceives a grant under this section shall annually  
21                         prepare and submit to the Secretary a report  
22                         describing the number of youths assisted, and  
23                         the types of assistance provided, pursuant to  
24                         this section.

1           “(B) CONTENTS.—Each report shall in-  
2           clude information regarding—

3                   “(i) the purpose and amount of shel-  
4                   ter provided to each youth assisted pursu-  
5                   ant to this section;

6                   “(ii) the number of months each  
7                   youth was provided such assistance;

8                   “(iii) the number of youth who were  
9                   eligible for such assistance, but for whom  
10                  the entity could not provide assistance  
11                  solely due to a lack of available housing;  
12                  and

13                  “(iv) the type of services provided to  
14                  each youth assisted pursuant to this sec-  
15                  tion; and

16                  “(v) such other information as the  
17                  Secretary considers necessary or appro-  
18                  priate to carry out the purposes of this  
19                  section.

20           “(2) TO CONGRESS.—The Secretary shall annu-  
21           ally prepare and submit to the Committee on Edu-  
22           cation and Labor of the House of Representatives  
23           and the Committee on the Judiciary of the Senate  
24           a report that contains a compilation of the informa-

1           tion contained in reports submitted to the Secretary  
2           under paragraph (1).

3           “(f) EVALUATION, MONITORING, AND ADMINISTRA-  
4 TION.—Of the amount appropriated under subsection (h)  
5 for each fiscal year, the Secretary may use not more than  
6 1 percent for evaluation, monitoring, and administrative  
7 costs under this section.

8           “(g) DEFINITIONS.—For purposes of this section, the  
9 following definitions shall apply:

10           “(1) SEVERE FORMS OF TRAFFICKING IN PER-  
11 PERSONS.—The term ‘severe forms of trafficking in per-  
12 sons’ has the meaning given such term in section  
13 103 of the Trafficking Victims Protection Act of  
14 2000 (22 U.S.C. 7102).

15           “(2) SEX TRAFFICKING.—The term ‘sex traf-  
16 ficking’ has the meaning given the term in section  
17 103 of the Trafficking Victims Protection Act of  
18 2000 (22 U.S.C. 7102).

19           “(3) YOUTH SUBJECTED TO TRAFFICKING.—  
20 The term ‘youth subjected to trafficking’ means an  
21 individual, regardless of whether or not the indi-  
22 vidual is a citizen of the United States, who—

23           “(A) is the subject of sex trafficking or se-  
24 vere forms of trafficking in persons that occurs,

1 in whole or in part, within the territorial juris-  
2 diction of the United States; and

3 “(B) has attained at least 13 years of age  
4 and is not more than 24 years of age at the  
5 time the individual is identified as having been  
6 the subject of sex trafficking or severe forms of  
7 trafficking in persons.

8 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated to carry out this section  
10 \$10,000,000 for fiscal year 2008 and such sums as may  
11 be necessary for each fiscal years 2009 through 2012.

12 “(i) REGULATIONS.—The Secretary shall issue any  
13 regulations necessary or appropriate to carry out this sec-  
14 tion.”.

## 15 **TITLE III—YOUTH ACCESS TO** 16 **SUPPORTIVE SERVICES**

### 17 **SEC. 301. WORK OPPORTUNITY CREDIT.**

18 (a) IN GENERAL.—Paragraph (1) of section 51(d) of  
19 the Internal Revenue Code of 1986 is amended by striking  
20 “or” at the end of subparagraph (H), by striking the pe-  
21 riod at the end of subparagraph (I) and inserting “, or”,  
22 and adding at the end the following new subparagraph:

23 “(J) a qualified homeless youth.”.

24 (b) QUALIFIED HOMELESS YOUTH.—Subsection (d)  
25 of section 51 of such Code is amended by redesignating

1 paragraphs (11) through (13) as paragraphs (12) through  
2 (14), respectively, and by inserting after paragraph (10)  
3 the following new paragraph:

4           “(11) **QUALIFIED HOMELESS YOUTH.**—The  
5 term ‘qualified homeless youth’ means any individual  
6 who is certified by the designated local agency—

7                   “(A) as having attained age 16 but not age  
8                   25 on the hiring date; and

9                   “(B) as being described in paragraph (2)  
10 of section 725 of the McKinney-Vento Homeless  
11 Assistance Act (42 U.S.C. 11434a), as in effect  
12 on the date of the enactment of this paragraph,  
13 on the hiring date.”.

14       (c) **EFFECTIVE DATE.**—The amendments made by  
15 this subsection shall apply to individuals who begin work  
16 for the employer after the date of the enactment of this  
17 Act.

18 **SEC. 302. UNACCOMPANIED YOUTH ACCESS TO WORK-**  
19 **FORCE INVESTMENT ACTIVITIES.**

20       (a) **DEFINITION.**—Section 101 of the Workforce In-  
21 vestment Act of 1998 (20 U.S.C. 2801) is amended by  
22 redesignating paragraphs (52) and (53) as paragraphs  
23 (53) and (54), respectively, and inserting after paragraph  
24 (51) the following new paragraph:

1           “(52) YOUTH.—The term ‘youth’ means an in-  
2           dividual age 13 through 24.”.

3           (b) REPRESENTATIVES OF HOMELESS YOUTH ON  
4 WIA YOUTH COUNCILS.—Section 117(h)(2)(A) of the  
5 Workforce Investment Act of 1998 (20 U.S.C.  
6 2832(h)(2)(A)) is amended by redesignating clause (iii)  
7 through (vi) as clause (iv) through (vii), respectively, and  
8 inserting after clause (ii) the following new clause:

9                           “(iii) representatives of organizations  
10                           or agencies that provide assistance to run-  
11                           away or homeless youth;”.

12           (c) PARTICIPATION OF YOUTH IN WIA ACTIVITIES  
13 WITHOUT PARENTAL CONSENT.—Section 112(b)(18)(B)  
14 of the Workforce Investment Act of 1998 (20 U.S.C.  
15 2822(b)(18)(B)) is amended by striking the semicolon at  
16 the end and inserting “, and including criteria that pro-  
17 vides for the participation of minor-age youth in youth ac-  
18 tivities without a requirement of parental consent;”.

19 **SEC. 303. UNACCOMPANIED YOUTH ACCESS TO PUBLIC**  
20 **HEALTH SERVICES.**

21           (a) PREVENTION, TREATMENT, AND REHABILITA-  
22 TION MODEL PROJECTS FOR HIGH RISK YOUTH.—

23                           (1) PRIORITIZATION OF SERVICES FOR RUN-  
24 AWAY, HOMELESS, AND STREET YOUTH.—Section

1 517(b) of the Public Health Service Act (42 U.S.C.  
2 290bb–23(b)) is amended—

3 (A) in paragraph (1), by inserting “run-  
4 away, homeless, and street children and youth,”  
5 after “adolescent parents,”; and

6 (B) in paragraph (2), by inserting “home-  
7 lessness,” after “suicide,”.

8 (2) DEFINITION OF RUNAWAY, HOMELESS, AND  
9 STREET YOUTH AS HIGH RISK.—Section 517(g) of  
10 the Public Health Service Act (42 U.S.C. 290bb–  
11 23(g)) is amended—

12 (A) in paragraph (9), by striking “or”  
13 after the semicolon;

14 (B) in paragraph (10), by striking the pe-  
15 riod and inserting “; or”; and

16 (C) by adding at the end the following  
17 paragraph:

18 “(11) is a runaway, homeless, or street youth.”.

19 (b) SUBSTANCE ABUSE TREATMENT SERVICES FOR  
20 CHILDREN AND ADOLESCENTS.—

21 (1) TECHNICAL AMENDMENT.—The second sec-  
22 tion 514 of the Public Health Service Act (42  
23 U.S.C. 290bb–9; relating to methamphetamine and  
24 amphetamine treatment initiative) is redesignated as  
25 section 514B.

1           (2) PRIORITY.—Section 514(b) of the Public  
2 Health Service Act (42 U.S.C. 290bb–7(b)) is  
3 amended—

4           (A) in paragraph (6), by striking “and” at  
5 the end;

6           (B) in paragraph (7), by striking the pe-  
7 riod at the end and inserting “; and”; and

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

9           “(8) provide treatment and aftercare services to  
10 runaway, homeless, and street youth.”.

11           (3) AUTHORIZATION OF APPROPRIATIONS.—  
12 Section 514(f) of the Public Health Service Act (42  
13 U.S.C. 290bb–7(f)) is amended—

14           (A) by striking “There are” and inserting  
15 the following:

16           “(1) IN GENERAL.—There are”;

17           (B) by striking “and” before “such sums”;

18           (C) by inserting “, and \$60,000,000 for  
19 each of fiscal years 2008 through 2012” before  
20 the period at the end; and

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

22           “(2) ALLOCATION.—Of the amount appro-  
23 priated to carry out this section for a fiscal year,  
24 \$20,000,000 shall be for providing grants, contracts,  
25 and cooperative agreements under subsection (a) for

1 treatment and aftercare services to runaway, home-  
2 less, and street youth.”.

3 (c) GRANTS FOR THE BENEFIT OF HOMELESS INDI-  
4 VIDUALS.—Section 506(e) of the Public Health Service  
5 Act (42 U.S.C. 290aa–5(e)) is amended—

6 (1) by striking “and” before “such sums”; and

7 (2) by inserting “, and \$100,000,000 for each  
8 of fiscal years 2008 through 2012” before the period  
9 at the end.

10 (d) INCREASED COLLABORATION BETWEEN  
11 SAMHSA AND ACF.—

12 (1) CENTER FOR SUBSTANCE ABUSE TREAT-  
13 MENT.—Section 507(b) of the Public Health Service  
14 Act (42 U.S.C. 290bb(b)) is amended—

15 (A) in paragraph (13), by striking “and”  
16 at the end;

17 (B) in paragraph (14), by striking the pe-  
18 riod at the end and inserting “; and”; and

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

20 “(15) collaborate with the Assistant Secretary  
21 for Children and Families to develop programs to  
22 provide substance abuse treatment services to—

23 “(A) children and families who have or had  
24 contact with the child welfare system; and

1           “(B) runaway, homeless, and street youth  
2           and their families.”.

3           (2) OFFICE FOR SUBSTANCE ABUSE PREVEN-  
4           TION.—Section 515(b) of the Public Health Service  
5           Act (42 U.S.C. 290bb–21(b)) is amended—

6           (A) in paragraph (10), by striking “and”  
7           at the end;

8           (B) in paragraph (11), by striking the pe-  
9           riod at the end and inserting “; and”; and

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

11          “(12) collaborate with the Assistant Secretary  
12          for Children and Families to develop programs to  
13          prevent alcohol abuse and drug abuse among—

14          “(A) children and families who have or had  
15          contact with the child welfare system; and

16          “(B) runaway, homeless, and street youth  
17          and their families.”.

18          (3) CENTER FOR MENTAL HEALTH SERVICES.—  
19          Section 520(b) of the Public Health Service Act (42  
20          U.S.C. 290bb–31(b)) is amended—

21          (A) in paragraph (14), by striking “and”  
22          at the end;

23          (B) in paragraph (15), by striking the pe-  
24          riod at the end and inserting “; and”; and

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

1           “(16) collaborate with the Assistant Secretary  
2           for Children and Families to develop programs to  
3           provide mental health services to—

4                   “(A) children and families who have or had  
5                   contact with the child welfare system; and

6                   “(B) runaway, homeless, and street youth  
7                   and their families.”.

8   **SEC. 304. ENHANCED YOUTH ACCESS TO MEDICAL ASSIST-**  
9                   **ANCE UNDER MEDICAID.**

10           (a) REQUIRING COVERAGE UNDER MEDICAID OF  
11    YOUTH UNDER AGE 25 AND PREGNANT WOMEN WITH  
12    INCOMES THAT DO NOT EXCEED 300 PERCENT OF FED-  
13    ERAL POVERTY LEVEL.—

14                   (1) IN GENERAL.—Section 1902(a)(10)(A)(i) of  
15    the Social Security Act (42 U.S.C.  
16    1396a(a)(10)(A)(i)) is amended—

17                           (A) in subclause (VI), by striking “or” at  
18                           the end;

19                           (B) in subclause (VII), by striking the  
20                           semicolon at the end and inserting a comma;  
21                           and

22                           (C) by adding at the end the following new  
23                           subclause:

24   “(VIII) who are not otherwise  
25   described in this clause, who are

1 under 25 years of age or pregnant  
2 and whose family income, or indi-  
3 vidual income in the case of unaccom-  
4 panied youth (as defined in section  
5 1905(y)), does not exceed 300 percent  
6 of the income official poverty line (as  
7 defined by the Office of Management  
8 and Budget, and revised annually in  
9 accordance with section 673(2) of the  
10 Omnibus Budget Reconciliation Act of  
11 1981) applicable to a family of the  
12 size involved, or”.

13 (2) UNACCOMPANIED YOUTH DEFINED.—Sec-  
14 tion 1905 of such Act (42 U.S.C. 1396d) is amend-  
15 ed by adding at the end the following new sub-  
16 section:

17 “(y) The term ‘unaccompanied youth’ means, with re-  
18 spect to a State, an individual who is under the age of  
19 majority, as specified by such State, and who is not in  
20 the physical custody of a parent or legal guardian.”.

21 (3) ADJUSTMENT IN FMAP TO ACCOUNT FOR  
22 EXPANDED COVERAGE.—Section 1905 of the Social  
23 Security Act (42 U.S.C. 1396d), as amended by  
24 paragraph (2), is further amended—

1 (A) in the first sentence of subsection

2 (b)—

3 (i) by striking “and (4)” and inserting

4 “(4)”; and

5 (ii) by inserting before the period at

6 the end the following: “, and (5) the Fed-

7 eral medical assistance percentage for a

8 State, with respect to youth-related med-

9 ical assistance (as defined in paragraph (5)

10 of subsection (z)) during a calendar quar-

11 ter beginning after the effective date de-

12 scribed in section 304(e) of the Place to

13 Call Home Act applicable to such State,

14 shall be the youth access medical assist-

15 ance percentage for such State and quarter

16 determined under such subsection”; and

17 (B) by adding at the end the following new

18 subsection:

19 “(z) COMPUTATION OF YOUTH ACCESS MEDICAL AS-

20 SISTANCE PERCENTAGE.—

21 “(1) IN GENERAL.—For purposes of clause (5)

22 of the first sentence of subsection (b), the youth ac-

23 cess medical assistance percentage determined under

24 this subsection for a State for a calendar quarter in

25 a fiscal year is equal to the ratio of—

1           “(A)(i) the total expenditures under the  
2 State plan under this title for the quarter that  
3 are attributable to youth-related medical assist-  
4 ance (as defined in paragraph (5)), less

5           “(ii) the State share of basic expenditures  
6 for youth-related medical assistance described  
7 in paragraph (2) for the State and the quarter,  
8 to

9           “(B) the total expenditures referred to in  
10 subparagraph (A)(i).

11           “(2) STATE SHARE FOR BASIC EXPENDITURES  
12 FOR YOUTH-RELATED MEDICAL ASSISTANCE.—

13           “(A) IN GENERAL.—The State share of  
14 basic expenditures for youth-related medical as-  
15 sistance for a State for a quarter in a fiscal  
16 year is equal to 1/4 of the product of the fol-  
17 lowing:

18           “(i) BASE AMOUNT.—The base FY  
19 2006 amount (specified in subparagraph  
20 (B)) for the State.

21           “(ii) CHILD INCREASE FACTOR.—One  
22 plus the percentage increase in the number  
23 of individuals under 25 years of age resid-  
24 ing in the State, as estimated by the Sec-

1           retary, from fiscal year 2006 to the fiscal  
2           year involved.

3           “(iii) COST INCREASE FACTOR.—One  
4           plus the percentage increase in the medical  
5           care component of the consumer price  
6           index for all urban consumers (U.S. city  
7           average), as estimated by the Secretary,  
8           from fiscal year 2006 to the fiscal year in-  
9           volved.

10          “(B) BASE FY 2006 AMOUNT.—For pur-  
11          poses of this paragraph, the ‘base FY 2006  
12          amount’ for a State is equal to the total  
13          amount of expenditures made by the State dur-  
14          ing calendar quarters in fiscal year 2006 under  
15          this title (including under any waiver under sec-  
16          tion 1115) that are attributable to youth-re-  
17          lated medical assistance, including an appro-  
18          priate portion of administrative expenses, re-  
19          duced by the amount of Federal financial par-  
20          ticipation provided with respect to such expend-  
21          itures.

22          “(3) COUNTER-CYCLICAL REDUCTION.—The  
23          Secretary shall establish a formula for providing, in  
24          addition to the base Federal matching amounts,  
25          automatic supplemental assistance to States that ex-

1       perience a sustained economic downturn, based upon  
2       State’s quarterly unemployment rate exceeding the  
3       State’s average of such rates during a period of pre-  
4       vious calendar quarters (in such number as the Sec-  
5       retary shall specify) and by a percentage to be deter-  
6       mined by the Secretary and in an amount calculated  
7       on the basis of the relationship between changes in  
8       unemployment and anticipated increases in providing  
9       services under this title. The supplemental assistance  
10      shall be distributed quarterly through a supplement  
11      to the State’s Federal payment under this title and  
12      shall be for such duration as the Secretary deter-  
13      mines appropriate.

14           “(4) TREATMENT OF TERRITORIES.—In the  
15      case of States that are not one of the 50 States or  
16      the District of Columbia, the Secretary shall by reg-  
17      ulation establish an equitable formula for allocating  
18      funds to provide youth-related medical assistance to  
19      individuals residing in such States. The additional  
20      Federal financial participation under this title, with  
21      respect to a fiscal year, that results from such as-  
22      sistance for such fiscal year that is attributable to  
23      the amendments made by section 304 of the Place  
24      to Call Home Act shall not be counted towards the  
25      limitation on expenditures under this title for such

1 a State otherwise determined under subsections (f)  
2 and (g) of section 1108.

3 “(5) YOUTH-RELATED MEDICAL ASSISTANCE.—  
4 For purposes of this subsection, the term ‘youth-re-  
5 lated medical assistance’ means medical assistance  
6 provided to individuals who are under 25 years of  
7 age or during pregnancy (or during the period end-  
8 ing with the end of the month in which the 60-day  
9 period, beginning on the date of termination of a  
10 pregnancy, ends).”.

11 (4) CONFORMING AMENDMENTS.—

12 (A) Section 1902(e)(3)(A) (42 U.S.C.  
13 1396a(e)(3)(A)) is amended by striking “18  
14 years of age” and inserting “24 years of age”.

15 (B) Section 1902(e)(12) (42 U.S.C.  
16 1396a(e)(12)) is amended by striking “19 years  
17 of age” and inserting “25 years of age”.

18 (C) Section 1905(a)(i) (42 U.S.C.  
19 1396d(a)(i)) is amended by striking “age of  
20 21” and inserting “age of 25”.

21 (D) Section 1920A(b)(1) (42 U.S.C.  
22 1396r-1a(b)(1)) is amended by striking “19  
23 years of age” and inserting “25 years of age”.

1 (E) Section 1928(h)(1) (42 U.S.C.  
2 1396s(h)(1)) is amended by striking “18 years  
3 of age” and inserting “24 years of age”.

4 (F) Section 1932(a)(2)(A) (42 U.S.C.  
5 1396u-2(a)(2)(A)) is amended by striking “19  
6 years of age” and inserting “25 years of age”.

7 (b) INDEPENDENT FOSTER CARE ADOLESCENTS ES-  
8 TABLISHED AS MANDATORY CATEGORY (AND NOT OP-  
9 TIONAL CATEGORY) OF INDIVIDUALS FOR MEDICAID COV-  
10 ERAGE; COVERAGE OF SUCH ADOLESCENTS UNDER 25  
11 YEARS OF AGE.—

12 (1) ESTABLISHMENT AS MANDATORY CAT-  
13 EGORY.—Section 1902(a)(10)(A)(i) of the Social Se-  
14 curity Act (42 U.S.C. 1396a(a)(10)(A)(i)), as  
15 amended by subsection (a)(1), is further amended by  
16 adding at the end the following new subclause:

17 “(IX) who are independent foster  
18 care adolescents (as defined in section  
19 1905(w)(1)); and”.

20 (2) EXPANDED COVERAGE THROUGH AGE 24.—  
21 Section 1905(w) of such Act (42 U.S.C. 1396d(w))  
22 is amended—

23 (A) in paragraph (1), by inserting “, sub-  
24 ject to paragraph (3),” after “means”;

1 (B) in paragraph (1)(A), by striking  
2 “under 21” and inserting “under 25”; and

3 (C) in paragraph (3)—

4 (i) by striking “section  
5 1902(a)(10)(A)(ii)(XVII)” and inserting  
6 “section 1902(a)(10)(A)(i)(IX)”; and

7 (ii) by striking “18 years of age” and  
8 inserting “25 years of age”.

9 (3) CONFORMING AMENDMENTS.—

10 (A) Section 1902(a)(10)(A)(ii) of such Act  
11 (42 U.S.C. 1396b(a)(10)(A)(ii)) is amended by  
12 striking subclause (XVII).

13 (B) Section 1903(f)(4) of such Act (42  
14 U.S.C. 1396b(f)(4)) is amended by striking  
15 “1902(a)(10)(A)(ii)(XVII),” and inserting  
16 “1902(a)(10)(A)(i)(IX),”.

17 (c) COST-SHARING PROTECTIONS FOR CHILDREN  
18 AND PREGNANT WOMEN.—

19 (1) IN GENERAL.—Section 1916 of the Social  
20 Security Act (42 U.S.C. 1396o) is amended—

21 (A) in subsection (a), by striking “sub-  
22 sections (g) and (i)” and inserting “subsections  
23 (g), (i), and (j)”; and

24 (B) by adding at the end the following new  
25 subsection:

1       “(j)(1) The provisions of this subsection shall apply  
2 to all children and pregnant women (including women dur-  
3 ing the period ending with the end of the month that ends  
4 60 days after the date of determination of a pregnancy)  
5 eligible for medical assistance under this title and shall  
6 supersede any contrary provision of this title.

7       “(2) In the case of an individual described in para-  
8 graph (1), there shall be no premium imposed for coverage  
9 under this title.

10       “(3) Subject to paragraph (5), in the case of an indi-  
11 vidual described in paragraph (1) whose family income—

12               “(A) does not exceed 200 percent of the poverty  
13 line, there shall be no out-of-pocket cost-sharing im-  
14 posed under this title; or

15               “(B) exceeds 200 percent, but does not exceed  
16 300 percent, of the poverty line, only nominal out-  
17 of-pocket cost-sharing may be imposed under this  
18 title.

19 In no case shall an individual described in paragraph (1)  
20 be denied services under this title because of failure to  
21 pay out-of-pocket cost sharing.

22       “(4) A State may elect to waive or reduce out-of-  
23 pocket cost-sharing otherwise authorized under this sub-  
24 section.

1       “(5)(A) For each individual described in paragraph  
2 (1), premiums and out-of-pocket cost-sharing may not ex-  
3 ceed the levels that would have been charged for that indi-  
4 vidual under this title as of October 1, 2005, updated in  
5 a manner specified by the Secretary based on changes,  
6 after that date, to average earnings among families with  
7 incomes that do not exceed 200 percent of the poverty line.

8       “(B) The State plan shall provide effective measures,  
9 consistent with standards established by the Secretary, to  
10 further limit out-of-pocket cost-sharing (taking into ac-  
11 count both premiums and cost-sharing) of all individuals  
12 described in paragraph (1) to affordable levels, for both  
13 individual health care services and total family costs. Such  
14 measures may include coding of each individual’s enroll-  
15 ment card. Such measures may not include a requirement  
16 that households track incurred costs.”.

17           (2) CONFORMING AMENDMENT.—Section  
18 1916A(a)(1) of such Act (42 U.S.C. 1396o–1(a)(1))  
19 is amended by striking “section 1916(g)” and in-  
20 serting “subsections (g) and (j) of section 1916”.

21           (d) REQUIREMENT TO PERMIT UNACCOMPANIED  
22 YOUTH TO APPLY FOR MEDICAL ASSISTANCE.—Section  
23 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

24           (1) in paragraph (69), by striking “and” at the  
25 end;

1           (2) in paragraph (70), by striking at the end  
2 the period and inserting “; and”; and

3           (3) by inserting after paragraph (70) the fol-  
4 lowing new paragraph:

5           “(71) provide that the State has in place poli-  
6 cies and procedures to ensure that an unaccom-  
7 panied youth, as defined in section 1905(y), may  
8 apply for medical assistance under the State plan  
9 without the consent of a parent or legal guardian.”.

10 (e) EFFECTIVE DATE.—

11           (1) IN GENERAL.—Except as provided in para-  
12 graph (2), the amendments made by this section  
13 shall apply to calendar quarters beginning on or  
14 after October 1, 2007, without regard to whether or  
15 not final regulations to carry out such amendments  
16 have been promulgated by such date.

17           (2) EXCEPTION IF STATE LEGISLATION RE-  
18 QUIRED.—In the case of a State plan for medical as-  
19 sistance under title XIX of the Social Security Act  
20 which the Secretary of Health and Human Services  
21 determines requires State legislation (other than leg-  
22 islation appropriating funds) in order for the plan to  
23 meet the additional requirements imposed by the  
24 amendments made by this section, the State plan  
25 shall not be regarded as failing to comply with the

1 requirements of such title solely on the basis of its  
2 failure to meet these additional requirements before  
3 the first day of the first calendar quarter beginning  
4 after the close of the first regular session of the  
5 State legislature that begins after the date of the en-  
6 actment of this Act. For purposes of the previous  
7 sentence, in the case of a State that has a 2-year  
8 legislative session, each year of such session shall be  
9 deemed to be a separate regular session of the State  
10 legislature.

11 **TITLE IV—YOUTH ACCESS TO EL-**  
12 **EMENTARY AND SECONDARY**  
13 **EDUCATION**

14 **SEC. 401. INCREASED ACCESS TO 21ST CENTURY COMMU-**  
15 **NITY LEARNING CENTERS.**

16 Section 4203(a) of the Elementary and Secondary  
17 Education Act of 1965 (20 U.S.C. 7173(a)) is amended—

18 (1) in paragraph (10) by inserting after “par-  
19 ticipating students” the following: “, including  
20 homeless children and youths,”;

21 (2) in paragraph (13) by striking “and” at the  
22 end;

23 (3) in paragraph (14) by striking the period at  
24 the end and inserting “; and”; and

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

1           “(15) contains an assurance that the State edu-  
2           cational agency will require eligible entities to de-  
3           scribe in their applications under section 4204(b)  
4           how they will ensure the participation, attendance,  
5           and success of eligible homeless children and youths,  
6           paying particular attention to the needs of unaccom-  
7           panied youth.”.

8   **SEC. 402. EDUCATION FOR HOMELESS CHILDREN AND**  
9                                   **YOUTHS.**

10          The McKinney-Vento Homeless Assistance Act is  
11   amended—

12                   (1) in section 722(g) (42 U.S.C. 11432(g))—

13                           (A) in paragraph (1)—

14                                   (i) in subparagraph (F), by amending  
15                           clause (ii) to read as follows:

16   “(ii) homeless youths, including  
17   youths separated from the public schools,  
18   are identified and accorded access to ap-  
19   propriate secondary education and support  
20   services, including through the implemen-  
21   tation of policies and practices to ensure  
22   that such youths are able to receive credit  
23   for full or partial coursework satisfactorily  
24   completed while attending a prior school  
25   and are afforded opportunities to recover

1 credits lost during periods of homelessness;  
2 and”; and  
3 (ii) in subparagraph (J)—  
4 (I) in clause (ii), by striking  
5 “and” at end; and  
6 (II) in clause (iii)—  
7 (aa) in the matter preceding  
8 subclause (I), by striking the  
9 colon at the end and inserting  
10 “—”;  
11 (bb) in subclause (I)—  
12 (AA) by striking “If the  
13 homeless child” and insert-  
14 ing “if the homeless child”;  
15 and  
16 (BB) by striking the  
17 period at the end and insert-  
18 ing “; and”;  
19 (cc) in subclause (II)—  
20 (AA) by striking “If the  
21 homeless child’s” and insert-  
22 ing “if the homeless child’s”;  
23 and

1 (BB) by striking the  
2 period at the end and insert-  
3 ing “; and”; and

4 (dd) by adding at the end  
5 the following new clause:

6 “(iv) the State educational agency and  
7 local educational agencies in the State will  
8 adopt policies and practices to ensure that  
9 homeless children and youths have oppor-  
10 tunities to meet the same challenging State  
11 student academic achievement standards to  
12 which other students are held and are able  
13 to participate fully in all classes and school  
14 activities, including extracurricular activi-  
15 ties, athletic activities for which such chil-  
16 dren and youths meet skill-level require-  
17 ments, before- and after-school programs,  
18 summer school programs, field trips, and  
19 classes, tests, activities with additional  
20 fees, services provided under title I of the  
21 Elementary and Secondary Education Act  
22 of 1965 and similar State and local pro-  
23 grams, and other activities made available  
24 to nonhomeless students, and that such  
25 policies and practices will pay particular

1 attention to removing barriers related to  
2 fees, credit accrual policies, guardianship,  
3 and transportation issues.”;

4 (B) in paragraph (3)—

5 (i) by amending subparagraph (B) to  
6 read as follows:

7 “(B) SCHOOL STABILITY.—In determining  
8 the educational best interest of the child or  
9 youth under subparagraph (A), and to promote  
10 the school stability of the child or youth, the  
11 local educational agency shall—

12 “(i) presume that continuing in the  
13 school of origin is in the child’s or youth’s  
14 best interest, except when doing so is con-  
15 trary to the wishes of the child’s or youth’s  
16 parent or guardian or the unaccompanied  
17 youth;

18 “(ii) consider student-centered factors  
19 related to the child’s or youth’s educational  
20 best interest, in coordination with the par-  
21 ent, guardian, or youth, including—

22 “(I) the harmful impact of school  
23 mobility on academic achievement and  
24 social and emotional well-being;

1                   “(II) the age of the child or  
2                   youth;

3                   “(III) the impact any commute  
4                   may have on the child’s or youth’s  
5                   education;

6                   “(IV) personal safety issues;

7                   “(V) the child’s or youth’s need  
8                   for special instruction, including spe-  
9                   cial education and related services;

10                  “(VI) the length of anticipated  
11                  stay in temporary shelter or other  
12                  temporary location;

13                  “(VII) the time remaining in the  
14                  school year; and

15                  “(VIII) the school placement of  
16                  family members;

17                  “(iii) provide the child’s or youth’s  
18                  parent or guardian or the unaccompanied  
19                  youth with a written explanation, in a  
20                  manner and form understandable to such  
21                  parent, guardian, or youth, including a  
22                  statement regarding the right to appeal  
23                  under subparagraph (E), if the local edu-  
24                  cational agency determines that it is not in  
25                  the child’s or youth’s best interest to at-

1           tend the school of origin or the school re-  
2           quested by the parent, guardian, or youth;

3           “(iv) in the case of an unaccompanied  
4           youth, ensure that the homeless liaison  
5           designated under paragraph (1)(J)(ii) as-  
6           sists in placement or enrollment decisions  
7           under this subparagraph, considers the  
8           views of such unaccompanied youth, and  
9           provides notice to such youth of the right  
10          to appeal under subparagraph (E); and

11          “(v) provide transportation pursuant  
12          to subsections (g)(1)(J)(iii) and (g)(4).”;

13          (ii) in subparagraph (C)—

14                 (I) by amending clause (i) to  
15                 read as follows:

16                 “(i) The school selected in accordance  
17                 with this paragraph shall immediately en-  
18                 roll the homeless child or youth, regardless  
19                 of whether the child or youth—

20                         “(I) is unable to produce records  
21                         normally required for enrollment, in-  
22                         cluding previous academic records, im-  
23                         munization and other required health  
24                         records and screenings, proof of resi-

1 dency or guardianship, or other docu-  
2 mentation;

3 “(II) has unpaid school fees from  
4 prior schools and is unable to pay fees  
5 in the school selected; or

6 “(III) has missed application  
7 deadlines during any period of home-  
8 lessness.”;

9 (II) by adding at the end the fol-  
10 lowing new clause:

11 “(iv) Whenever the school selected en-  
12 rolls an unaccompanied youth in accord-  
13 ance with this paragraph, no liability shall  
14 be imposed upon the school by reason of  
15 enrolling the youth without parent or  
16 guardian consent.”; and

17 (iii) by amending subparagraph (D) to  
18 read as follows:

19 “(D) RECORDS.—

20 “(i) IN GENERAL.—Any record ordi-  
21 narily kept by the school, including immu-  
22 nization or medical records or other health  
23 records and screenings, academic records,  
24 birth certificates, guardianship records,  
25 and evaluations for special services or pro-

1           grams, regarding each homeless child or  
2           youth shall be—

3                   “(I) maintained so that such  
4                   records are available, in a timely fash-  
5                   ion, when a child or youth enters a  
6                   new school or school district;

7                   “(II) immediately sent to the en-  
8                   rolling school, regardless of whether  
9                   the student owes fees or fines or was  
10                  not withdrawn from the previous  
11                  school in conformance with local with-  
12                  drawal procedures; and

13                  “(III) handled in a manner con-  
14                  sistent with section 444 of the Gen-  
15                  eral Education Provisions Act (20  
16                  U.S.C. 1232g).

17                  “(ii) RELEASE.—School records need-  
18                  ed for academic placement decisions shall  
19                  be released immediately by fax or other  
20                  available electronic means.”; and

21                  (C) in paragraph (6)(A)—

22                         (i) in clause (vi), by striking “and” at  
23                         the end;

1 (ii) in clause (vii), by striking the pe-  
2 riod at the end and inserting a semicolon;  
3 and

4 (iii) by adding at the end the fol-  
5 lowing new clause:

6 “(viii) unaccompanied youths are en-  
7 rolled in school and have opportunities to  
8 meet the same challenging State student  
9 academic achievement standards to which  
10 other students are held, including through  
11 implementation of the policies and prac-  
12 tices required by subsections (g)(1)(F)(ii)  
13 and (g)(1)(J)(iv).”;

14 (2) in section 725(6) (42 U.S.C. 11434a(6)), by  
15 inserting “legal” before “guardian”; and

16 (3) in section 726 (42 U.S.C. 11435), by insert-  
17 ing before the period at the end the following: “, and  
18 \$140,000,000 for fiscal year 2008 and such sums as  
19 may be necessary for each of fiscal years 2009  
20 through 2015”.

21 **SEC. 403. GRANTS TO INCREASE STUDENT ATTENDANCE.**

22 (a) IN GENERAL.—Subpart 2 of part A of title IV  
23 of the Elementary and Secondary Education Act (20  
24 U.S.C. 7131 et seq.) is amended by adding at the end  
25 the following:

1 **“SEC. 4131. GRANTS TO INCREASE STUDENT ATTENDANCE.**

2       “(a) IN GENERAL.—The Secretary shall award  
3 grants from funds made available to carry out this section  
4 to eligible entities for the purpose increasing student at-  
5 tendance at school by developing innovative policies, pro-  
6 grams, and practices to prevent, provide alternatives to,  
7 and resolve truancy, suspension, and expulsion among stu-  
8 dents.

9       “(b) ELIGIBLE ENTITIES.—For purposes of this sec-  
10 tion, the term ‘eligible entity’ means—

11               “(1) a local educational agency;

12               “(2) a State educational agency; or

13               “(3) an Indian tribe.

14       “(c) USE OF FUNDS.—Funds received under this sec-  
15 tion may be used—

16               “(1) to foster collaboration between school sys-  
17 tems, law enforcement, courts, juvenile justice, child  
18 welfare, and social service systems, and community-  
19 based organizations, including faith-based organiza-  
20 tions, for the purpose of this section;

21               “(2) to train school system personnel in positive  
22 behavioral interventions and supports and graduated  
23 discipline policies and practices;

24               “(3) to support innovative policies, programs,  
25 and practices determined by the Secretary to be ef-  
26 fective at increasing student attendance at school,

1 such as dedicated attendance workers, home visita-  
2 tion, truancy courts, youth courts, and mediation;  
3 and

4 “(4) to provide opportunities for student sup-  
5 port services personnel to staff in-school suspension  
6 and expulsion programs.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated to carry out this section  
9 \$10,000,000 for each of fiscal years 2008 through 2013.”.

10 (b) CONFORMING AMENDMENT.—Section 4003(2) of  
11 such Act (20 U.S.C. 7103) is amended by inserting “(ex-  
12 cluding section 4131)” before the period at the end.

13 **TITLE V—YOUTH ACCESS TO**  
14 **POSTSECONDARY EDUCATION**

15 **SEC. 501. SENSE OF CONGRESS WITH RESPECT TO ACCESS**  
16 **TO HEALTH CARE BY MINORS AT LEAST 13**  
17 **YEARS OF AGE.**

18 It is the sense of the Congress that the legislatures  
19 of the States should enact laws—

20 (1) that permit health care providers to furnish  
21 services to minors who are at least 13 years of age  
22 without the notification or consent of any individual  
23 other than such a minor involved; and

1           (2) with respect to any such services so fur-  
2           nished by a health care provider to such a minor,  
3           that ensure the confidentiality of such services.

4 **SEC. 502. FINANCIAL ASSISTANCE FOR DISCONNECTED**  
5 **STUDENTS.**

6           (a) SPECIAL CIRCUMSTANCES.—Section 479A(a) of  
7 the Higher Education Act of 1965 (20 U.S.C. 1087tt(a))  
8 is amended, in the third sentence, by inserting “a change  
9 in housing status that results in homelessness,” before “or  
10 other changes”.

11          (b) INDEPENDENT STUDENTS.—Section 480(d) of  
12 the Higher Education Act of 1965 (20 U.S.C. 1087vv(d))  
13 is amended to read as follows:

14          “(d) INDEPENDENT STUDENT.—

15                 “(1) DEFINITION.—The term ‘independent’,  
16 when used with respect to a student, means any in-  
17 dividual who—

18                         “(A) is 24 years of age or older by Decem-  
19 ber 31 of the award year;

20                         “(B) is an orphan, in foster care, or a  
21 ward of the court, or was in foster care or a  
22 ward of the court until the individual reached  
23 the age of 18;

24                         “(C) is an adjudicated or convicted juve-  
25 nile, was an adjudicated juvenile until the juve-

1           nile reached the upper age of juvenile court ju-  
2           risdiction, or was a convicted juvenile who com-  
3           pleted the sentence for such juvenile conviction  
4           prior to reaching the age of majority;

5           “(D) is an emancipated youth, as defined  
6           by the student’s State of legal residence;

7           “(E) is in legal guardianship, as defined in  
8           section 475 of the Social Security Act (42  
9           U.S.C. 675);

10          “(F) is a veteran of the Armed Forces of  
11          the United States (as defined in subsection  
12          (c)(1)) or is currently serving on active duty in  
13          the Armed Forces for other than training pur-  
14          poses;

15          “(G) is a graduate or professional student;

16          “(H) is a married individual;

17          “(I) has legal dependents other than a  
18          spouse;

19          “(J) has been verified as both a homeless  
20          child or youth and an unaccompanied youth, as  
21          such terms are defined in section 725 of the  
22          McKinney-Vento Homeless Assistance Act (42  
23          U.S.C. 11434a), during the school year in  
24          which the application for financial assistance is

1 submitted, or during the individual's final year  
2 of secondary school, by—

3 “(i) a local educational agency liaison  
4 for homeless children and youths, as des-  
5 ignated under section 722(g)(1)(J)(ii) of  
6 the McKinney-Vento Homeless Assistance  
7 Act (42 U.S.C. 11432(g)(1)(J)(ii));

8 “(ii) a director of a homeless shelter,  
9 transitional shelter, basic center, transi-  
10 tional living program, or independent living  
11 program; or

12 “(iii) a financial aid administrator; or

13 “(K) is a student for whom a financial aid  
14 administrator makes a documented determina-  
15 tion of independence by reason of other unusual  
16 circumstances.

17 “(2) SIMPLIFYING THE DEPENDENCY OVER-  
18 RIDE PROCESS.—Nothing in this subsection shall be  
19 construed to prohibit a financial aid administrator  
20 from making a determination of independence under  
21 paragraph (1)(J) based upon a documented deter-  
22 mination of independence under such paragraph that  
23 was previously made by another financial aid admin-  
24 istrator in the same application year.”.

1 (c) TAILORING ELECTRONIC APPLICATIONS FOR  
2 STUDENTS WITH SPECIAL CIRCUMSTANCES.—Section  
3 483(a) of the Higher Education Act of 1965 (20 U.S.C.  
4 1090(a)) is amended by adding at the end the following:

5 “(8) APPLICATIONS FOR STUDENTS SEEKING A  
6 DOCUMENTED DETERMINATION OF INDEPEND-  
7 ENCE.—In the case of a student seeking a docu-  
8 mented determination of independence by a financial  
9 aid administrator, as described in section  
10 480(d)(1)(J), nothing in this section shall prohibit  
11 the Secretary from—

12 “(A) allowing such student to indicate the  
13 student’s special circumstance on the electronic  
14 version of a form developed under paragraph  
15 (5);

16 “(B) collecting and processing, on a pre-  
17 liminary basis, data provided by such student  
18 using the electronic version of the form; or

19 “(C) distributing such data to States, in-  
20 stitutions of higher education, and guaranty  
21 agencies for the purposes of processing loan ap-  
22 plications and determining need and eligibility  
23 for institutional and State financial aid awards  
24 for such student on a preliminary basis, pend-

1           ing a documented determination of independ-  
2           ence by a financial aid administrator.”.

3 **SEC. 503. FEDERAL EARLY OUTREACH AND STUDENT SERV-**  
4           **ICES PROGRAMS FOR DISCONNECTED STU-**  
5           **DENTS.**

6           (a) FEDERAL TRIO PROGRAMS.—

7           (1) DEFINITION OF HOMELESS CHILDREN AND  
8           YOUTHS.—Section 402A(g) of the Higher Education  
9           Act of 1965 (20 U.S.C. 1070a–11(g)) is amended—

10           (A) by redesignating paragraphs (2)  
11           through (4) as paragraphs (3) through (5), re-  
12           spectively;

13           (B) in paragraph (5), as so redesignated,  
14           by striking “paragraph (3) if” and inserting  
15           “paragraph (4) if”; and

16           (C) by inserting after paragraph (1) the  
17           following:

18           “(2) HOMELESS CHILDREN AND YOUTHS.—The  
19           term ‘homeless children and youths’ has the mean-  
20           ing given the term in section 725 of the McKinney-  
21           Vento Homeless Assistance Act (42 U.S.C.  
22           11434a).”.

23           (2) TALENT SEARCH.—Section 402B(b)(10) of  
24           the Higher Education Act of 1965 (20 U.S.C.  
25           1070a–12(b)(10)) is amended to read as follows:

1           “(10) programs and activities as described in  
2 paragraphs (1) through (9) which are specially de-  
3 signed for—

4           “(A) students of limited English pro-  
5 ficiency;

6           “(B) students who are homeless children  
7 and youths;

8           “(C) students who are in foster care or are  
9 aging out of the foster care system;

10           “(D) students who are adjudicated or con-  
11 victed juveniles or who are exiting the juvenile  
12 justice or criminal justice systems; and

13           “(E) students who are pregnant or par-  
14 enting.”.

15           (3) UPWARD BOUND.—Section 402C(b)(12) of  
16 the Higher Education Act of 1965 (20 U.S.C.  
17 1070a–13(b)(12)) is amended to read as follows:

18           “(12) programs and activities as described in  
19 paragraphs (1) through (11) which are specially de-  
20 signed for—

21           “(A) students of limited English pro-  
22 ficiency;

23           “(B) students who are homeless children  
24 and youths;

1           “(C) students who are in foster care or are  
2 aging out of the foster care system;

3           “(D) students who are adjudicated or con-  
4 victed juveniles or who are exiting the juvenile  
5 justice or criminal justice systems; and

6           “(E) students who are pregnant or par-  
7 enting.”.

8           (4) STUDENT SUPPORT SERVICES.—Section  
9 402D of the Higher Education Act of 1965 (20  
10 U.S.C. 1070a–14) is amended—

11           (A) in subsection (a)(3)—

12           (i) by striking “students and” and in-  
13 serting “students,”; and

14           (ii) by inserting “, students who are  
15 homeless children and youths, students  
16 who are in foster care or are aging out of  
17 the foster care system, students who are  
18 adjudicated or convicted juveniles or who  
19 are exiting the juvenile justice or criminal  
20 justice systems, and students who are  
21 pregnant or parenting” before the period;  
22 and

23           (B) in subsection (b)—

24           (i) in paragraph (9), by striking  
25 “and” after the semicolon;

1 (ii) by amending paragraph (10) to  
2 read as follows:

3 “(10) programs and activities as described in  
4 paragraphs (1) through (9) which are specially de-  
5 signed for—

6 “(A) students of limited English pro-  
7 ficiency;

8 “(B) students who are homeless children  
9 and youths;

10 “(C) students who are in foster care or are  
11 aging out of the foster care system;

12 “(D) students who are adjudicated or con-  
13 victed juveniles or who are exiting the juvenile  
14 justice or criminal justice systems;

15 “(E) students who are pregnant or par-  
16 enting; and”;

17 (iii) by adding at the end the fol-  
18 lowing:

19 “(11) assistance in securing housing for—

20 “(A) students who are, or who were, home-  
21 less children and youths;

22 “(B) students who are aging out of the  
23 foster care system;

24 “(C) students who are exiting the juvenile  
25 justice or criminal justice systems; or

1           “(D) students who are pregnant or par-  
2           enting.”.

3           (5) EDUCATIONAL OPPORTUNITY CENTERS.—  
4           Section 402F(b)(10) of the Higher Education Act of  
5           1965 (20 U.S.C. 1070a–16(b)(10)) is amended to  
6           read as follows:

7           “(10) programs and activities as described in  
8           paragraphs (1) through (9) which are specially de-  
9           signed for—

10           “(A) students of limited English pro-  
11           ficiency;

12           “(B) students who are homeless children  
13           and youths;

14           “(C) students who are in foster care or are  
15           aging out of the foster care system;

16           “(D) students who are adjudicated or con-  
17           victed juveniles or who are exiting the juvenile  
18           justice or criminal justice systems; and

19           “(E) students who are pregnant or par-  
20           enting.”.

21           (6) STAFF DEVELOPMENT ACTIVITIES.—Section  
22           402G(b)(3) of the Higher Education Act of 1965  
23           (20 U.S.C. 1070a–17(b)(3)) is amended by striking  
24           “chapter.” and inserting “chapter, including strate-  
25           gies for recruiting and serving students who are

1 homeless children and youths, students who are in  
2 foster care or are aging out of the foster care sys-  
3 tem, students who are adjudicated or convicted juve-  
4 niles or who are exiting the juvenile justice or crimi-  
5 nal justice systems, and students who are pregnant  
6 or parenting.”.

7 (b) GEAR-UP PROGRAMS.—

8 (1) REQUIREMENTS FOR GAINING EARLY  
9 AWARENESS AND READINESS FOR UNDERGRADUATE  
10 PROGRAMS.—Section 404B(c)(2) of the Higher Edu-  
11 cation Act of 1965 (20 U.S.C. 1070a–22(c)(2)) is  
12 amended by striking “programs.” and inserting  
13 “programs, including programs under subtitle B of  
14 title VII of the McKinney-Vento Homeless Assist-  
15 ance Act (42 U.S.C. 11431 et seq.).”.

16 (2) EARLY INTERVENTION USE OF FUNDS.—  
17 Section 404D(b)(2)(C) of the Higher Education Act  
18 of 1965 (20 U.S.C. 1070a–24(b)(2)(C)) is amended  
19 by inserting “, for students who are homeless chil-  
20 dren and youths, as defined in section 725 of the  
21 McKinney-Vento Homeless Assistance Act (42  
22 U.S.C. 11434a), for students who are in foster care  
23 or are aging out of the foster care system, for stu-  
24 dents who are adjudicated or convicted juveniles or  
25 who are exiting the juvenile justice or criminal jus-

1 tice systems, or for students who are pregnant or  
 2 parenting” before the period.

3 **SEC. 504. PROJECTS TO INCREASE ENROLLMENT AND SUC-**  
 4 **CESS OF DISCONNECTED STUDENTS IN POST-**  
 5 **SECONDARY EDUCATION.**

6 Part A of title IV of the Higher Education Act of  
 7 1965 (20 U.S.C. 1070a et seq.) is amended by adding at  
 8 the end the following new subpart:

9 **“Subpart 9—Projects to Increase Enrollment and**  
 10 **Success of Disconnected Students**

11 **“SEC. 420K. PURPOSE.**

12 “It is the purpose of this subpart to support projects  
 13 in order to—

14 “(1) increase the secondary school graduation  
 15 rates of disconnected students;

16 “(2) increase the academic success of discon-  
 17 nected students in secondary school; and

18 “(3) increase the enrollment and success of dis-  
 19 connected students in higher education.

20 **“SEC. 420L. DEFINITIONS.**

21 “In this subpart:

22 “(1) **DISCONNECTED STUDENTS.**—The term  
 23 ‘disconnected students’ means students who are—

24 “(A) homeless children and youths, as such  
 25 term is defined in section 725 of the McKinney-

1 Vento Homeless Assistance Act (42 U.S.C.  
2 11434a);

3 “(B) orphans, in foster care, or wards of  
4 the court, or who were in foster care or were  
5 wards of the court until the students reached  
6 the age of 18;

7 “(C) adjudicated or convicted juveniles, or  
8 who were adjudicated juveniles until the juve-  
9 niles reached the upper age of juvenile court ju-  
10 risdiction, or who were convicted juveniles who  
11 completed the sentence for the juvenile convic-  
12 tion prior to reaching the age of majority; or

13 “(D) pregnant or parenting youth.

14 “(2) SECRETARY.—The term ‘Secretary’ means  
15 the Secretary of Education.

16 **“SEC. 420M. GRANTS AUTHORIZED.**

17 “(a) COMPETITIVE GRANTS AUTHORIZED.—Subject  
18 to the availability of appropriations, the Secretary shall  
19 award grants, contracts, and cooperative agreements, on  
20 a competitive basis, to partnerships consisting of public  
21 and nonprofit organizations. Such partnerships may in-  
22 clude—

23 “(1) one or more local educational agencies;

24 “(2) one or more degree-granting institutions of  
25 higher education;

1           “(3) a recipient of a grant under subtitle B or  
2           C of title IV of the McKinney-Vento Homeless As-  
3           sistance Act (42 U.S.C. 11371 et seq., 11381 et  
4           seq.), or a recipient of a grant award under sections  
5           311, 321, or 351 of the Runaway and Homeless  
6           Youth Act (42 U.S.C. 5711, 5714–1, 5714–41); and

7           “(4) businesses, community-based organiza-  
8           tions, faith-based organizations, State agencies, or  
9           other public or private agencies or organizations.

10          “(b) DURATION.—Grants, contracts, and cooperative  
11         agreements under this subpart shall be awarded for a pe-  
12         riod of not more than 3 years.

13          “(c) APPLICATIONS.—Each partnership desiring to  
14         receive a grant, contract, or cooperative agreement under  
15         this subpart shall submit an application to the Secretary  
16         at such time, in such manner, and accompanied by such  
17         information as the Secretary may require. Each applica-  
18         tion shall include—

19                 “(1) a description of how the partnership plans  
20                 to carry out the activities required under this sub-  
21                 part;

22                 “(2) a description of how the partnership will  
23                 coordinate and collaborate with transportation, edu-  
24                 cation, housing, social services, health, workforce in-  
25                 vestment, juvenile justice, and child welfare agencies

1 to carry out the activities required under this sub-  
2 part; and

3 “(3) an assurance that the partnership will  
4 demonstrate that, to the maximum extent prac-  
5 ticable, the partnership is—

6 “(A) utilizing other resources (including  
7 Federal, State, and local funds, and other com-  
8 munity resources) to provide housing to discon-  
9 nected students who are enrolled in institutions  
10 of higher education during periods when hous-  
11 ing at the institution of higher education is gen-  
12 erally unavailable to other students; and

13 “(B) utilizing other resources (including  
14 Federal, State, and local funds, and other com-  
15 munity resources) to provide campus-based  
16 child care to disconnected students who are en-  
17 rolled in institutions of higher education.

18 “(d) AWARD CONSIDERATIONS.—In awarding grants,  
19 contracts, or cooperative agreements under this subpart,  
20 the Secretary shall consider the following:

21 “(1) The number of disconnected students iden-  
22 tified in the area proposed to be served by the part-  
23 nership.

24 “(2) The extent to which the partnership has  
25 demonstrated interagency collaboration among

1 transportation, education, housing, social services,  
2 child welfare, health, workforce investment, and ju-  
3 venile justice agencies.

4 “(e) AUTHORIZED ACTIVITIES.—Grants, contracts,  
5 and cooperative agreements under this subpart shall be  
6 used to carry out one or more of the following activities:

7 “(1) Services designed to assist disconnected  
8 students in the completion of secondary school and  
9 in increasing academic success, such as—

10 “(A) supplemental educational services;

11 “(B) academic counseling;

12 “(C) skills assessment; and

13 “(D) exposure to cultural events, academic  
14 programs, and other activities not usually avail-  
15 able to disconnected students.

16 “(2) Services designed to assist disconnected  
17 students with matriculation in an institution of high-  
18 er education, such as—

19 “(A) academic advice and assistance in  
20 course selection;

21 “(B) assistance in completing college ad-  
22 mission and financial aid applications; and

23 “(C) assistance in preparing for college en-  
24 trance examinations.

1           “(3) The direct provision of, or arrangement  
2 for, supportive services (including supportive services  
3 provided by or at the institution of higher education)  
4 that assist disconnected students enrolled in an in-  
5 stitution of higher education with achieving success  
6 in higher education, including—

7           “(A) outreach to connect disconnected stu-  
8 dents to supportive services;

9           “(B) life skills education;

10           “(C) subsidies for, or assistance with ar-  
11 ranging, transportation from the student’s liv-  
12 ing arrangement to the institution of higher  
13 education;

14           “(D) case management;

15           “(E) service coordination;

16           “(F) emergency assistance, including food,  
17 clothing, and hygiene items;

18           “(G) assistance with—

19           “(i) obtaining income support;

20           “(ii) obtaining health insurance;

21           “(iii) applying for and obtaining vet-  
22 erans benefits and other public benefits;

23           “(iv) obtaining campus-based child  
24 care;

1 “(v) obtaining permanent housing;

2 and

3 “(vi) in the case of homeless students,

4 obtaining housing at the institution of

5 higher education when such housing is

6 closed or generally unavailable to other

7 students; and

8 “(H) referrals to—

9 “(i) supplemental educational services;

10 “(ii) employment and training serv-

11 ices;

12 “(iii) personal financial planning and

13 housing counseling;

14 “(iv) legal aid;

15 “(v) health services, including primary

16 and preventive health services, family plan-

17 ning, pediatric care, mental health, sub-

18 stance abuse, and specialty care services;

19 “(vi) parenting education;

20 “(vii) child care;

21 “(viii) victim services; and

22 “(ix) homelessness prevention services.

23 **“SEC. 420N. AUTHORIZATION OF APPROPRIATIONS.**

24 “There are authorized to be appropriated to carry out

25 this subpart \$45,000,000 for fiscal year 2008 and such

1 sums as may be necessary for each of the 5 succeeding  
2 fiscal years.”.

3 **SEC. 505. CONTINUAL ACCESS TO STUDENT HOUSING FOR**  
4 **HOMELESS YOUTH.**

5 Part A of title IV of the Higher Education Act of  
6 1965 (20 U.S.C. 1070a et seq.) is further amended by  
7 adding after subpart 9 (as added by section 504 of this  
8 Act) the following new subpart:

9 **“Subpart 10—Continual Access to Student Housing**  
10 **for Homeless Youth**

11 **“SEC. 4200. CONTINUAL ACCESS TO STUDENT HOUSING**  
12 **FOR HOMELESS YOUTH.**

13 “(a) GRANTS AUTHORIZED.—The Secretary of Edu-  
14 cation is authorized to award grants to institutions of  
15 higher education to provide housing to eligible students  
16 during periods when housing at the institution of higher  
17 education is closed or generally unavailable to other stu-  
18 dents.

19 “(b) REGULATIONS.—The Secretary of Education is  
20 authorized to issue such regulations as may be necessary  
21 to carry out the provisions of this section.

22 “(c) DEFINITIONS.—For the purposes of this section:

23 “(1) ELIGIBLE STUDENT.—The term ‘eligible  
24 student’ means an individual—



1           “(21) RENTAL VOUCHERS FOR HOMELESS  
2 YOUTH.—

3           “(A) SET ASIDE.—Subject to subpara-  
4 graph (C), the Secretary shall set aside and  
5 transfer to the Secretary of Health and Human  
6 Services, from amounts made available for rent-  
7 al assistance under this subsection, the amount  
8 specified in subparagraph (B) for use only for  
9 providing such assistance for homeless youth.  
10 For purposes of this subparagraph, the term  
11 ‘homeless youth’ has the meaning given such  
12 term in section 387 of the Runaway and Home-  
13 less Youth Act (42 U.S.C. 5732a).

14           “(B) AMOUNT.—The amount specified in  
15 this subparagraph is, for fiscal year 2008 and  
16 each fiscal year thereafter, the amount nec-  
17 essary to provide at least 20,000 vouchers for  
18 rental assistance under this subsection.

19           “(C) ADMINISTRATION OF VOUCHER PRO-  
20 GRAM.—The Secretary of Health and Human  
21 Services may use amounts transferred under  
22 this paragraph only for funding contracts for  
23 rental assistance under this paragraph to be ad-  
24 ministered by entities that receive grants under  
25 part B of the Runaway and Homeless Youth

1 Act (42 U.S.C. 5714–1 et seq.) and agree to  
2 administer rental assistance under this para-  
3 graph. Subject only to the availability of  
4 amounts for rental assistance under this para-  
5 graph, the Secretary of Health and Human  
6 Services shall provide, under each such contract  
7 for rental assistance entered into with such an  
8 entity, funding for the entity to provide at least  
9 two vouchers for rental assistance for each unit  
10 of transitional housing being made available by  
11 the entity at such time.

12 “(D) FUNDING.—The budget authority  
13 made available under any other provisions of  
14 law for rental assistance under this subsection  
15 for fiscal year 2008 and each fiscal year there-  
16 after is authorized to be increased in each such  
17 fiscal year by such sums as may be necessary  
18 to provide the number of vouchers specified in  
19 subparagraph (B) for such fiscal year.”.

20 **SEC. 602. FAMILY UNIFICATION VOUCHERS FOR**  
21 **TRANSITIONING FOSTER CARE YOUTH.**

22 Clause (B) of section 8(x)(2) of the United States  
23 Housing Act of 1937 (42 U.S.C. 1437f(x)(2)) is amend-  
24 ed—

1           (1) by striking “for a period not to exceed 18  
2           months,”; and

3           (2) by striking “not more than 21” and insert-  
4           ing “are under 25”.

5 **SEC. 603. INCLUSION OF YOUTH IN HOUSING PLANS.**

6           (a) PUBLIC HOUSING AGENCY PLANS.—Paragraph  
7 (1) of section 5A(d) of the United States Housing Act of  
8 1937 (42 U.S.C. 1437e–1(d)(1)) is amended by striking  
9 “and disabled families)” and inserting “, disabled families,  
10 and youth not less than 13 years of age and not more  
11 than age 24”.

12           (b) COMPREHENSIVE HOUSING AFFORDABILITY  
13 STRATEGIES.—

14           (1) IN GENERAL.—Section 105 of the Cran-  
15 ston-Gonzalez National Affordable Housing Act (42  
16 U.S.C. 12705) is amended—

17                   (A) in subsection (b)—

18                           (i) in paragraph (1), by inserting  
19                           “youth who are at least 13 years of age  
20                           but younger than 25 years of age,” after  
21                           “acquired immunodeficiency syndrome,”;  
22                           and

23                           (ii) in paragraph (20), by striking  
24                           “service” and inserting “youth service and  
25                           other service”; and

1 (B) in subsection (e)(1), by inserting  
2 “youth who are at least 13 years of age but  
3 younger than 25 years of age,” after “homeless  
4 persons,”.

5 (2) CONSOLIDATED PLANS.—The Secretary of  
6 Housing and Urban Development shall revise the  
7 regulations relating to submission of consolidated  
8 plans in accordance with the amendments made by  
9 paragraph (1) of this subsection to require inclusion  
10 of appropriate information relating to youth and  
11 youth service agencies in all such plans.

12 **SEC. 604. SENSE OF CONGRESS REGARDING RIGHT OF MI-**  
13 **NORS TO ENTER INTO CONTRACTS FOR NE-**  
14 **CESSITIES.**

15 It is the sense of the Congress that each State should  
16 enact a law sufficient to permit minors to contract for ne-  
17 cessities, including real property, employment, educational  
18 loans, admission to school, medical and mental health care  
19 and treatment, bank accounts, utilities, and admission to  
20 shelter, housing, and supportive services programs, with-  
21 out co-signature by an adult or by a representative of a  
22 State or local agency, or a private or private nonprofit or-  
23 ganization.

1 **SEC. 605. TRANSITIONAL HOUSING ASSISTANCE FOR**  
2 **YOUTH VICTIMS OF COMMERCIAL SEXUAL**  
3 **EXPLOITATION.**

4 The Family Violence Prevention and Services Act (42  
5 U.S.C. 10401 et seq.) is amended by inserting after sec-  
6 tion 319 the following new section:

7 **“SEC. 319A. TRANSITIONAL HOUSING ASSISTANCE FOR**  
8 **YOUTH VICTIMS OF COMMERCIAL SEXUAL**  
9 **EXPLOITATION.**

10 “(a) **AUTHORITY FOR PROGRAM.**—The Secretary of  
11 Health and Human Services shall, to the extent amounts  
12 are made available for grants under this section, make  
13 grants and provide technical assistance under this section  
14 to public and nonprofit private entities to protect, treat,  
15 and promote a transition to self-sufficient living for youth  
16 subjected to trafficking through establishing and oper-  
17 ating safe houses for such youth.

18 “(b) **ELIGIBILITY FOR ASSISTANCE.**—Assistance  
19 under this section may be provided only for the establish-  
20 ment, strengthening, or funding of a facility or facilities,  
21 which may be group homes, host family homes, or super-  
22 vised apartments, as residences for youth subjected to  
23 trafficking that—

24 “(1) provide voluntary and confidential access  
25 to such youth;

1           “(2) provide adequate and appropriate protec-  
2           tion to such youth from sexual exploiters, including  
3           on-site supervision at each facility that is not a host  
4           family home;

5           “(3) provide such youth with appropriate serv-  
6           ices under subsection (d) to facilitate transition of  
7           the resident youth to self-sufficient living; and

8           “(4) provide a number of staff sufficient to en-  
9           sure that all youth at the facility receive adequate  
10          supervision and services.

11          “(c) SUPPORTIVE SERVICES.—Support services de-  
12         scribed in this subsection include the following:

13                 “(1) outreach for the purpose of identifying  
14                 youth subjected to trafficking;

15                 “(2) preventative, primary care and specialty  
16                 health services (including screening and treatment  
17                 for sexually transmitted illnesses, counseling, mental  
18                 health services, and substance abuse services);

19                 “(3) habilitation and rehabilitation;

20                 “(4) case management;

21                 “(5) service coordination;

22                 “(6) personal financial planning;

23                 “(7) life skills education;

24                 “(8) parenting education;

25                 “(9) transportation;

- 1           “(10) vocational training;
- 2           “(11) employment and training;
- 3           “(12) education;
- 4           “(13) assistance in obtaining public benefits;
- 5           “(14) assistance in obtaining income support;
- 6           “(15) assistance in obtaining health insurance;
- 7           “(16) representative payee services;
- 8           “(17) legal assistance;
- 9           “(18) child care;
- 10          “(19) housing counseling;
- 11          “(20) recreational services;
- 12          “(21) leadership development; and
- 13          “(22) other services necessary for transition to
- 14          self-sufficient living.

15          “(d) TERM OF ASSISTANCE.—A facility assisted

16          under this section may not provide residence, shelter, sup-

17          port services, or other assistance to any youth subjected

18          to trafficking for a period of more than 730 days, except

19          that a youth subjected to trafficking who, as of the last

20          day of such a 730-day period of assistance, has not at-

21          tained 21 years of age, may, if otherwise, continue to be

22          provided such assistance until the youth attains 21 years

23          of age.

24          “(e) REPORTS.—

25                  “(1) TO SECRETARY.—

1           “(A) IN GENERAL.—Each entity that re-  
2 ceives a grant under this section shall annually  
3 prepare and submit to the Secretary a report  
4 describing the number of youths assisted, and  
5 the types of assistance provided, pursuant to  
6 this section.

7           “(B) CONTENTS.—Each report shall in-  
8 clude information regarding—

9                   “(i) the purpose and amount of shel-  
10 ter provided to each youth assisted pursu-  
11 ant to this section;

12                   “(ii) the number of months each  
13 youth was provided such assistance;

14                   “(iii) the number of youth who were  
15 eligible for such assistance, but for whom  
16 the entity could not provide assistance  
17 solely due to a lack of available housing;  
18 and

19                   “(iv) the type of services provided to  
20 each youth assisted pursuant to this sec-  
21 tion; and

22                   “(v) such other information as the  
23 Secretary considers necessary or appro-  
24 priate to carry out the purposes of this  
25 section.

1           “(2) TO CONGRESS.—The Secretary shall annu-  
2           ally prepare and submit to the Committee on Edu-  
3           cation and Labor of the House of Representatives  
4           and the Committee on the Judiciary of the Senate  
5           a report that contains a compilation of the informa-  
6           tion contained in reports submitted to the Secretary  
7           under paragraph (1).

8           “(f) EVALUATION, MONITORING, AND ADMINISTRA-  
9           TION.—Of the amount appropriated under subsection (h)  
10          for each fiscal year, the Secretary may use not more than  
11          1 percent for evaluation, monitoring, and administrative  
12          costs under this section.

13          “(g) DEFINITIONS.—For purposes of this section, the  
14          following definitions shall apply:

15                 “(1) SEVERE FORMS OF TRAFFICKING IN PER-  
16                 SONS.—The term ‘severe forms of trafficking in per-  
17                 sons’ has the meaning given such term in section  
18                 103 of the Trafficking Victims Protection Act of  
19                 2000 (22 U.S.C. 7102).

20                 “(2) SEX TRAFFICKING.—The term ‘sex traf-  
21                 ficking’ has the meaning given the term in section  
22                 103 of the Trafficking Victims Protection Act of  
23                 2000 (22 U.S.C. 7102).

24                 “(3) YOUTH SUBJECTED TO TRAFFICKING.—  
25                 The term ‘youth subjected to trafficking’ means an

1 individual, regardless of whether or not the indi-  
2 vidual is a citizen of the United States, who—

3 “(A) is the subject of sex trafficking or se-  
4 vere forms of trafficking in persons that occurs,  
5 in whole or in part, within the territorial juris-  
6 diction of the United States; and

7 “(B) has attained at least 13 years of age  
8 and is not more than 24 years of age at the  
9 time the individual is identified as having been  
10 the subject of sex trafficking or severe forms of  
11 trafficking in persons.

12 “(h) **AUTHORIZATION OF APPROPRIATIONS.**—There  
13 are authorized to be appropriated to carry out this section  
14 \$10,000,000 for fiscal year 2008 and such sums as may  
15 be necessary for each fiscal years 2009 through 2012.

16 “(i) **REGULATIONS.**—The Secretary shall issue any  
17 regulations necessary or appropriate to carry out this sec-  
18 tion.”.

19 **SEC. 606. GAO STUDY OF HOUSING ASSISTANCE FOR LOW-**  
20 **INCOME YOUTH.**

21 (a) **REQUIREMENT.**—The Comptroller General of the  
22 United States shall carry out a study of housing status  
23 and needs of low-income youth and housing assistance  
24 provided for low-income youth, to determine or obtain the

1 information required pursuant to subsection (b)(1) to be  
2 included in the report under such subsection (b).

3 (b) REPORT.—

4 (1) SUBMISSION.—Not later than the expiration  
5 of the 12-month period beginning on the date of the  
6 enactment of this Act, the Comptroller General shall  
7 submit a report on the results of, and determina-  
8 tions made by the Comptroller General pursuant to,  
9 the study conducted pursuant to subsection (a) to  
10 the Committees on Financial Services, Education  
11 and Labor, and Appropriations of the House of Rep-  
12 resentatives and the Committees on Banking, Hous-  
13 ing, and Urban Affairs, the Judiciary, and Appro-  
14 priations of the Senate.

15 (2) CONTENTS.—The report under this sub-  
16 section shall include the following information:

17 (A) An estimate of the number of low-in-  
18 come, very low-income, and extremely low-in-  
19 come households headed by a youth not more  
20 than age 24, and a description of the demo-  
21 graphic and socioeconomic characteristics of  
22 such households.

23 (B) An estimate of the number of low-in-  
24 come, very low-income, and extremely low-in-  
25 come youth-headed households experiencing a

1 high cost burden in, overcrowding in, or poor  
2 quality of housing, or experiencing homeless-  
3 ness.

4 (C) An assessment of the housing assist-  
5 ance needs of low-income, very low-income, and  
6 extremely low-income youth-headed households,  
7 including any existing barriers to safe, quality,  
8 and affordable housing, and of the levels of  
9 homelessness among such households.

10 (D) A description of the extent to which  
11 housing assistance programs of the Federal  
12 Government provide assistance to low-income,  
13 very low-income, and extremely-low income  
14 youth-headed households.

15 (E) A statement of the number of dwelling  
16 units designated for or occupied by low-income,  
17 very low-income, and extremely low-income  
18 youth in federally subsidized or insured hous-  
19 ing.

20 (F) A summary description of any special  
21 considerations made for youth under public  
22 housing plans submitted pursuant to section 5A  
23 of the United States Housing Act of 1397 (42  
24 U.S.C. 1437c-1) and under comprehensive  
25 housing affordability strategies submitted pur-

1           suant to section 105 of the Cranston-Gonzalez  
2           National Affordable Housing Act (42 U.S.C.  
3           12705).

4           (G) A description of the extent to which  
5           public housing agencies have established pref-  
6           erences for youth for occupancy in public hous-  
7           ing and for rental assistance provided with  
8           housing choice vouchers under section 8(o) of  
9           the United States Housing Act of 1937 (42  
10          U.S.C. 1437f(o)).

11          (H) Identification of the activities relating  
12          to youth of the Department of Housing and  
13          Urban Development.

14          (c) ACQUISITION OF SUPPORTING INFORMATION.—In  
15          carrying out the study under this section, the Comptroller  
16          General shall seek to obtain information and views from  
17          the following persons:

18                 (1) The Secretary of Housing and Urban Devel-  
19                 opment.

20                 (2) The Secretary of Health and Human Serv-  
21                 ices.

22                 (3) Low-income, very low-income, and extremely  
23                 low-income youth.

1           (4) Representatives of State and local housing  
2 assistance, child welfare, and juvenile justice agen-  
3 cies.

4           (5) Representatives of nonprofit low-income  
5 housing providers and homeless service providers, in-  
6 cluding homeless youth service providers.

7           (6) National advocacy organizations concerned  
8 with youth, homelessness, and low-income housing.

9           **TITLE VII—YOUNG FAMILY**  
10           **CONCERNS**

11 **SEC. 701. TANF STATE PLAN AMENDMENT.**

12           Section 402(a)(1)(A) of the Social Security Act (42  
13 U.S.C. 602(a)(1)(A)) is amended by adding at the end the  
14 following:

15                           “(vii) Identify the education and  
16 training, living arrangement, and other  
17 services needs of individuals described in  
18 section 408(a)(5)(B)(ii) who are potentially  
19 eligible to receive assistance under the  
20 State program funded under this part and  
21 establish policies, procedures, and strate-  
22 gies to address the needs.”.

23 **SEC. 702. ADULT-SUPERVISED LIVING ARRANGEMENTS.**

24           Section 408(a)(5)(B) of the Social Security Act (42  
25 U.S.C. 608(a)(5)(B)) is amended—

1           (1) by striking clause (i) and inserting the fol-  
2           lowing:

3                   “(i) PROVISION OF ADULT-SUPER-  
4                   VISED LIVING ARRANGEMENT.—In the case  
5                   of an individual who is described in clause  
6                   (ii), the State agency referred to in section  
7                   402(a)(4) shall provide or ensure the pro-  
8                   vision of a second chance home, maternity  
9                   group home, transitional living youth  
10                  project, or other appropriate adult-super-  
11                  vised supportive living arrangement, taking  
12                  into consideration the needs, concerns, and  
13                  wishes of the individual, unless the State  
14                  agency determines that the individual’s  
15                  current living arrangement is appropriate,  
16                  and therefore, shall require that the indi-  
17                  vidual and the minor child referred to in  
18                  subparagraph (A)(ii)(II) reside in such liv-  
19                  ing arrangement as a condition of the con-  
20                  tinued receipt of assistance under the  
21                  State program funded under this part at-  
22                  tributable to funds provided by the Federal  
23                  Government (or in an alternative appro-  
24                  priate arrangement, should circumstances

1 change and the current arrangement cease  
2 to be appropriate.”;

3 (2) in clause (ii)—

4 (A) by redesignating subclauses (III) and  
5 (IV) as subclauses (V) and (VI), respectively;  
6 and

7 (B) by inserting after subclause (II) the  
8 following:

9 “(III) the individual is a home-  
10 less youth;

11 “(IV) the individual is a street  
12 youth;”;

13 (3) by redesignating clause (iii) as clause (vi)  
14 and inserting after clause (ii) the following:

15 “(iii) DISCLOSURE OF ADULT-SUPER-  
16 VISED LIVING ARRANGEMENT OPTIONS TO  
17 INDIVIDUAL.—The State agency shall en-  
18 sure that individuals described in subpara-  
19 graph (A)(ii) who are applicants or recipi-  
20 ents of assistance are fully informed of all  
21 adult-supervised living arrangement op-  
22 tions that satisfy the requirement of this  
23 subsection, and provide the individual the  
24 opportunity to request a specific adult-su-  
25 pervised living arrangement.

1           “(iv) DETERMINATION OF ADULT-SU-  
2           PERVISED LIVING ARRANGEMENT.—In de-  
3           termining the appropriateness of the indi-  
4           vidual’s current living arrangement in  
5           clause (i) and considering the individual’s  
6           request for a specific adult-supervised liv-  
7           ing arrangement in clause (iii), the State  
8           agency shall provide a written explanation  
9           of the determination, including a statement  
10          regarding the right to appeal the deter-  
11          mination under clause (v), to the indi-  
12          vidual, if the determination is other than  
13          the adult-supervised living arrangement re-  
14          quested by the individual.

15          “(v) RIGHT TO APPEAL ADULT-SU-  
16          PERVISED LIVING ARRANGEMENT.—If the  
17          State agency’s determination of appro-  
18          priate adult-supervised living arrangement  
19          in clause (i) is other than the adult-super-  
20          vised living arrangement requested by the  
21          individual in clause (iii), the individual  
22          shall have a right to appeal the State agen-  
23          cy’s decision through appeal and dispute  
24          resolution mechanisms available in the  
25          State.”; and

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

2 “(vi) DEFINITIONS.—In this subpara-  
3 graph:

4 “(I) TRANSITIONAL LIVING  
5 YOUTH PROJECT.—The term ‘transi-  
6 tional living youth project’ has the  
7 same meaning as provided in section  
8 387(6) of the Juvenile Justice and  
9 Delinquency Prevention Act of 1974.

10 “(II) HOMELESS YOUTH.—The  
11 term ‘homeless youth’ has the same  
12 meaning as provided in section 387(3)  
13 of the Juvenile Justice and Delin-  
14 quency Prevention Act of 1974.

15 “(III) STREET YOUTH.—The  
16 term ‘street youth’ has the same  
17 meaning as provided in section 387(5)  
18 of the Juvenile Justice and Delin-  
19 quency Prevention Act of 1974.”.

20 **SEC. 703. SUSPENSION OF TIME LIMIT FOR YOUNG ADULT**  
21 **PARENT INVOLVED IN EDUCATION OR TRAIN-**  
22 **ING.**

23 Section 408(a)(7)(B) of the Social Security Act (42  
24 U.S.C. 608(a)(7)(B)) is amended—

1 (1) in the subparagraph heading, by striking  
2 “MINOR CHILD EXCEPTION” and inserting “AGE EX-  
3 CEPTIONS”; and

4 (2) by striking clauses (i) and (ii) and inserting  
5 the following:

6 “(i) a minor child, and not the head  
7 of a household or married to the head of  
8 a household; or

9 “(ii) was pregnant or a parent, and—  
10 “(I) had not attained 20 years of  
11 age, and was meeting all program re-  
12 quirements relating to education,  
13 training and living arrangements; or

14 “(II) had attained 20 but not 21  
15 years of age, and was scheduled to  
16 complete all program requirements re-  
17 lating to education or training.”.

18 **SEC. 704. TRANSITIONAL COMPLIANCE.**

19 Section 408(a) of the Social Security Act (42 U.S.C.  
20 608(a)) is amended—

21 (1) in paragraph (4), by striking “if” and all  
22 that follows and inserting “if—

23 “(A) the individual does not participate  
24 in—

1           “(i) educational activities directed to-  
2           ward the attainment of a high school di-  
3           ploma or its equivalent; or

4           “(ii) an alternative educational or  
5           training program that has been approved  
6           by the State; and

7           “(B) 91 days have elapsed since the State  
8           has notified the individual that the individual is  
9           in violation of this paragraph.”; and

10          (2) in paragraph (5), by inserting “, and 91  
11          days have elapsed since the State has notified the in-  
12          dividual that the individual is in violation of this  
13          paragraph” before the period.

14 **SEC. 705. SANCTION PROTECTIONS FOR MINOR PARENTS.**

15          Section 408(a) of the Social Security Act (42 U.S.C.  
16 608(a)) is amended by adding at the end the following:

17           “(12) A State to which a grant is made under  
18           section 403 of this Act shall not impose a sanction  
19           on a recipient of assistance under the State program  
20           funded under this part who is an individual de-  
21           scribed in section 408(a)(5)(B)(ii) of this Act and  
22           whose household includes a minor who has received  
23           assistance under the State program funded under  
24           this part attributable to funds provided by the Fed-  
25           eral Government or under the food stamp program,

1 as defined in section 3(h) of the Food Stamp Act of  
2 1977, unless the State has established procedures  
3 that help recipients of assistance under the State  
4 program funded under this part understand, avoid,  
5 or end sanctions, and has applied the procedures to  
6 the recipient.”.

7 **SEC. 706. TEEN PARENT STUDY AND REPORT.**

8 Section 413 of the Social Security Act (42 U.S.C.  
9 613) is amended by adding at the end the following:

10 “(k) TEEN PARENT STUDY AND REPORT.—

11 “(1) STUDY OF TANF RECIPIENTS.—The Sec-  
12 retary shall conduct a study of recipients of assist-  
13 ance under State programs funded under this part  
14 who are parents and have not attained 20 years of  
15 age to determine the following:

16 “(A) Whether State data on the number of  
17 such recipients is accurately reflected in Fed-  
18 eral data, including an examination of the ex-  
19 tent to which such recipients who are members  
20 of a family are not reflected in the data, and  
21 an examination of the extent to which Federal  
22 estimation methods do not reflect the number  
23 of such recipients in a State.

24 “(B) What assessment procedures are uti-  
25 lized with such recipients, and whether there

1 appear to be best practices that consider such  
2 issues as whether the recipient has an edu-  
3 cational barrier such as a learning disability or  
4 mental health problem.

5 “(C) Whether localities appear to have  
6 adequate and appropriate services that meet the  
7 needs of such recipients in areas such as infant  
8 care, education, training, and mental health, for  
9 services such as appropriate housing, mental  
10 health, and alternative education, whether staff  
11 assist teen parents in researching and locating  
12 such services including an appropriate living ar-  
13 rangement, and the extent to which such recipi-  
14 ents who have not completed high school or the  
15 equivalent are encouraged to engage in edu-  
16 cation or work.

17 “(D) How State rules providing that, in  
18 determining the eligibility of such recipients for  
19 such assistance, the income of the recipient is  
20 deemed to include the income of any parents  
21 with whom such recipient are living appear to  
22 have affected the extent to which such recipi-  
23 ents who are members of a family with income  
24 less than 200 percent of the poverty line (as de-  
25 fined in section 673(2) of the Omnibus Budget

1 Reconciliation Act of 1981, including any revision  
2 required by such section, applicable to a  
3 family of the size involved) are able to partici-  
4 pate in State programs funded under this part.

5 “(E) Demographic information such as—

6 “(i) the age of such recipients;

7 “(ii) the amount of time such recipi-  
8 ents received such assistance in a given  
9 year;

10 “(iii) the number of children that  
11 such recipients have;

12 “(iv) school attainment by such recipi-  
13 ents, by age;

14 “(v) the employment status of such  
15 recipients, such as whether a recipient has  
16 ever worked or has worked while in school;  
17 and

18 “(vi) the child care arrangements of  
19 such recipients.

20 “(2) STUDY OF LOW-INCOME TEEN PARENTS  
21 WHO ARE NOT TANF RECIPIENTS.—The Secretary  
22 shall conduct a study of a representative sample of  
23 low-income (as determined by the Secretary) teen  
24 parents who are not recipients of assistance under a

1 State program funded under this part, to determine  
2 the following:

3 “(A) Whether the teen parent sought to  
4 apply for such assistance.

5 “(B) Whether a teen parent who indicated  
6 to a State a desire to apply for such assistance  
7 received an application for such assistance.

8 “(C) Whether a teen parent who applied  
9 for such assistance was subsequently contacted  
10 by the State agency responsible for operating a  
11 State program funded under this part.

12 “(3) REPORT TO THE CONGRESS.—

13 “(A) IN GENERAL.—Within 3 years after  
14 the date of the enactment of this subsection,  
15 the Secretary shall submit to the Congress a re-  
16 port that contains the findings of the studies  
17 required by this subsection and recommenda-  
18 tions regarding such issues as how to improve  
19 data reporting, State plans, State ‘best practice’  
20 information sharing, and assessments.

21 “(B) ADVISORY GROUP.—The Secretary  
22 shall establish an advisory group consisting of  
23 representatives from not more than 6 organiza-  
24 tions that work with parents who have not at-  
25 tained 20 years of age, to provide advice to the

1 Secretary on questions relating to such parents  
2 that should be investigated and to provide com-  
3 ments to accompany the recommendations in  
4 the report required by subparagraph (A).”.

5 **SEC. 707. AMENDMENT TO CHILD CARE AND DEVELOP-**  
6 **MENT BLOCK GRANT ACT OF 1990.**

7 Section 658E(c)(2) of the Child Care and Develop-  
8 ment Block Grant Act of 1990 (42 U.S.C. 9858c(2)) is  
9 amended by adding at the end the following:

10 “(I) MEETING THE NEEDS OF HOMELESS  
11 FAMILIES.—Demonstrate the manner in which  
12 the State will meet the specific needs of families  
13 who are experiencing homelessness, including  
14 minor parents experiencing homelessness, in-  
15 cluding by establishing—

16 “(i) a preference for homeless families  
17 for child care services for which financial  
18 assistance is provided under this sub-  
19 chapter;

20 “(ii) procedures to identify homeless  
21 families eligible for child care services for  
22 which financial assistance is provided  
23 under this subchapter;

24 “(iii) prompt access of such homeless  
25 families to child care services for which fi-

1 nancial assistance is provided under this  
2 subchapter;

3 “(iv) strategies to address problems  
4 with respect to homeless families access to  
5 child care services for which financial as-  
6 sistance is provided under this subchapter,  
7 including problems resulting from enroll-  
8 ment delays that are caused by—

9 “(I) immunization and medical  
10 records requirements;

11 “(II) residency requirements;

12 “(III) lack of birth certificates,  
13 school records, or other documenta-  
14 tion; or

15 “(IV) guardianship issues; and

16 “(v) policies to remove barriers to the  
17 enrollment and retention of homeless fami-  
18 lies in child care services for which finan-  
19 cial assistance is provided under this sub-  
20 chapter.”.

21 **TITLE VIII—UNACCOMPANIED**  
22 **IMMIGRANT YOUTH**

23 **SEC. 801. DEFINITIONS.**

24 (a) IN GENERAL.—In this title:

1           (1) COMPETENT.—The term “competent”, in  
2 reference to counsel, means an attorney, or a rep-  
3 resentative authorized to represent unaccompanied  
4 alien children in immigration proceedings or mat-  
5 ters, who—

6           (A) complies with the duties set forth in  
7 this title;

8           (B)(i) is properly qualified to handle mat-  
9 ters involving unaccompanied alien children; or

10          (ii) is working under the auspices of a  
11 qualified nonprofit organization that is experi-  
12 enced in handling such matters; and

13          (C) if an attorney—

14           (i) is a member in good standing of  
15 the bar of the highest court of any State,  
16 possession, territory, Commonwealth, or  
17 the District of Columbia; and

18           (ii) is not under any order of any  
19 court suspending, enjoining, restraining,  
20 disbarring, or otherwise restricting the at-  
21 torney in the practice of law.

22           (2) DEPARTMENT.—The term “Department”  
23 means the Department of Homeland Security.

24           (3) DIRECTOR.—The term “Director” means  
25 the Director of the Office.

1           (4) OFFICE.—The term “Office” means the Of-  
2           fice of Refugee Resettlement established by section  
3           411 of the Immigration and Nationality Act (8  
4           U.S.C. 1521).

5           (5) SECRETARY.—The term “Secretary” means  
6           the Secretary of Homeland Security.

7           (6) UNACCOMPANIED ALIEN CHILD.—The term  
8           “unaccompanied alien child” has the meaning given  
9           the term in section 462(g)(2) of the Homeland Secu-  
10          rity Act of 2002 (6 U.S.C. 279(g)(2)).

11          (7) VOLUNTARY AGENCY.—The term “vol-  
12          untary agency” means a private, nonprofit voluntary  
13          agency with expertise in meeting the cultural, devel-  
14          opmental, or psychological needs of unaccompanied  
15          alien children, as certified by the Director.

16          (b) AMENDMENTS TO THE IMMIGRATION AND NA-  
17          TIONALITY ACT.—Section 101(a) of the Immigration and  
18          Nationality Act (8 U.S.C. 1101(a)) is amended by adding  
19          at the end the following:

20          “(51) The term ‘unaccompanied alien child’ means  
21          a child who—

22                  “(A) has no lawful immigration status in the  
23          United States;

24                  “(B) has not attained the age of 18; and

25                  “(C) with respect to whom—

1           “(i) there is no parent or legal guardian in  
2           the United States; or

3           “(ii) no parent or legal guardian in the  
4           United States is available to provide care and  
5           physical custody.

6           “(52) The term ‘unaccompanied refugee children’  
7           means persons described in paragraph (42) who—

8           “(A) have not attained the age of 18; and

9           “(B) with respect to whom there are no parents  
10          or legal guardians available to provide care and  
11          physical custody.”.

12          (c) **RULE OF CONSTRUCTION.**—A department or  
13          agency of a State, or an individual or entity appointed by  
14          a State court or juvenile court located in the United  
15          States, acting in loco parentis, shall not be considered a  
16          legal guardian for purposes of section 462 of the Home-  
17          land Security Act of 2002 (6 U.S.C. 279) or this title.

18          **Subtitle A—Custody, Release, Fam-**  
19          **ily Reunification, and Detention**

20          **SEC. 811. PROCEDURES WHEN ENCOUNTERING UNACCOM-**  
21          **PANIED ALIEN CHILDREN.**

22          (a) **UNACCOMPANIED CHILDREN FOUND ALONG THE**  
23          **UNITED STATES BORDER OR AT UNITED STATES PORTS**  
24          **OF ENTRY.**—

1           (1) IN GENERAL.—Subject to paragraph (2), if  
2           an immigration officer finds an unaccompanied alien  
3           child who is described in paragraph (2) at a land  
4           border or port of entry of the United States and de-  
5           termines that such child is inadmissible under the  
6           Immigration and Nationality Act (8 U.S.C. 1101 et  
7           seq.), the officer shall—

8                   (A) permit such child to withdraw the  
9                   child’s application for admission pursuant to  
10                  section 235(a)(4) of the Immigration and Na-  
11                  tionality Act (8 U.S.C. 1225(a)(4)); and

12                  (B) return such child to the child’s country  
13                  of nationality or country of last habitual resi-  
14                  dence.

15           (2) SPECIAL RULE FOR CONTIGUOUS COUN-  
16           TRIES.—

17                   (A) IN GENERAL.—Any child who is a na-  
18                   tional or habitual resident of a country that is  
19                   contiguous with the United States and that has  
20                   an agreement in writing with the United States  
21                   providing for the safe return and orderly repa-  
22                   triation of unaccompanied alien children who  
23                   are nationals or habitual residents of such  
24                   country shall be treated in accordance with

1 paragraph (1), if a determination is made on a  
2 case-by-case basis that—

3 (i) such child is a national or habitual  
4 resident of a country described in this sub-  
5 paragraph;

6 (ii) such child does not have a fear of  
7 returning to the child's country of nation-  
8 ality or country of last habitual residence  
9 owing to a fear of persecution;

10 (iii) the return of such child to the  
11 child's country of nationality or country of  
12 last habitual residence would not endanger  
13 the life or safety of such child; and

14 (iv) the child is able to make an inde-  
15 pendent decision to withdraw the child's  
16 application for admission due to age or  
17 other lack of capacity.

18 (B) RIGHT OF CONSULTATION.—Any child  
19 described in subparagraph (A) shall have the  
20 right, and shall be informed of that right in the  
21 child's native language—

22 (i) to consult with a consular officer  
23 from the child's country of nationality or  
24 country of last habitual residence prior to  
25 repatriation; and

1 (ii) to consult, telephonically, with the  
2 Office.

3 (3) RULE FOR APPREHENSIONS AT THE BOR-  
4 DER.—The custody of unaccompanied alien children  
5 not described in paragraph (2) who are apprehended  
6 at the border of the United States or at a United  
7 States port of entry shall be treated in accordance  
8 with subsection (b).

9 (b) CARE AND CUSTODY OF UNACCOMPANIED ALIEN  
10 CHILDREN FOUND IN THE INTERIOR OF THE UNITED  
11 STATES.—

12 (1) ESTABLISHMENT OF JURISDICTION.—

13 (A) IN GENERAL.—Except as otherwise  
14 provided under subparagraphs (B) and (C) and  
15 subsection (a), the care and custody of all unac-  
16 companied alien children, including responsi-  
17 bility for their detention, where appropriate,  
18 shall be under the jurisdiction of the Office.

19 (B) EXCEPTION FOR CHILDREN WHO HAVE  
20 COMMITTED CRIMES.—Notwithstanding sub-  
21 paragraph (A), the Department shall retain or  
22 assume the custody and care of any unaccom-  
23 panied alien child who—

24 (i) has been charged with any felony,  
25 excluding offenses proscribed by the Immi-

1           gration and Nationality Act (8 U.S.C.  
2           1101 et seq.), while such charges are pend-  
3           ing; or

4           (ii) has been convicted of any such fel-  
5           ony.

6           (C) EXCEPTION FOR CHILDREN WHO  
7           THREATEN NATIONAL SECURITY.—Notwith-  
8           standing subparagraph (A), the Department  
9           shall retain or assume the custody and care of  
10          an unaccompanied alien child if the Secretary  
11          has substantial evidence, based on an individ-  
12          ualized determination, that such child could  
13          personally endanger the national security of the  
14          United States.

15          (D) TRAFFICKING VICTIMS.—For purposes  
16          of section 462 of the Homeland Security Act of  
17          2002 (6 U.S.C. 279) and this title, an unac-  
18          companied alien child who is eligible for services  
19          authorized under the Victims of Trafficking and  
20          Violence Protection Act of 2000 (Public Law  
21          106–386), shall be considered to be in the cus-  
22          tody of the Office.

23          (2) NOTIFICATION.—

24                (A) IN GENERAL.—The Secretary shall  
25                promptly notify the Office upon—

1 (i) the apprehension of an unaccom-  
2 panied alien child;

3 (ii) the discovery that an alien in the  
4 custody of the Department is an unaccom-  
5 panied alien child;

6 (iii) any claim by an alien in the cus-  
7 tody of the Department that such alien is  
8 under the age of 18; or

9 (iv) any suspicion that an alien in the  
10 custody of the Department who has  
11 claimed to be over the age of 18 is actually  
12 under the age of 18.

13 (B) SPECIAL RULE.—In the case of an  
14 alien described in clause (iii) or (iv) of subpara-  
15 graph (A), the Director shall make an age de-  
16 termination in accordance with section 815 and  
17 take whatever other steps are necessary to de-  
18 termine whether such alien is eligible for treat-  
19 ment under section 462 of the Homeland Secu-  
20 rity Act of 2002 (6 U.S.C. 279) or this title.

21 (3) TRANSFER OF UNACCOMPANIED ALIEN  
22 CHILDREN.—

23 (A) TRANSFER TO THE OFFICE.—The care  
24 and custody of an unaccompanied alien child  
25 shall be transferred to the Office—

1 (i) in the case of a child not described  
2 in subparagraph (B) or (C) of paragraph  
3 (1), not later than 72 hours after a deter-  
4 mination is made that such child is an un-  
5 accompanied alien child;

6 (ii) in the case of a child whose cus-  
7 tody and care has been retained or as-  
8 sumed by the Department pursuant to sub-  
9 subparagraph (B) or (C) of paragraph (1),  
10 following a determination that the child no  
11 longer meets the description set forth in  
12 such subparagraphs; or

13 (iii) in the case of a child who was  
14 previously released to an individual or enti-  
15 ty described in section 812(a)(1), upon a  
16 determination by the Director that such in-  
17 dividual or entity is no longer able to care  
18 for the child.

19 (B) TRANSFER TO THE DEPARTMENT.—  
20 Upon determining that a child in the custody of  
21 the Office is described in subparagraph (B) or  
22 (C) of paragraph (1), the Director shall trans-  
23 fer the care and custody of such child to the  
24 Department.

1           (C) PROMPTNESS OF TRANSFER.—In the  
2           event of a need to transfer a child under this  
3           paragraph, the sending office shall make  
4           prompt arrangements to transfer such child and  
5           the receiving office shall make prompt arrange-  
6           ments to receive such child.

7           (c) AGE DETERMINATIONS.—In any case in which  
8           the age of an alien is in question and the resolution of  
9           questions about the age of such alien would affect the  
10          alien’s eligibility for treatment under section 462 of the  
11          Homeland Security Act of 2002 (6 U.S.C. 279) or this  
12          title, a determination of whether or not such alien meets  
13          such age requirements shall be made in accordance with  
14          section 815, unless otherwise specified in subsection  
15          (b)(2)(B).

16          (d) ACCESS TO ALIEN.—The Secretary of Homeland  
17          Security shall permit the Office to have reasonable access  
18          to aliens in the custody of the Secretary to ensure a  
19          prompt determination of the age of such alien, if necessary  
20          under subsection (b)(2)(B).

21      **SEC. 812. FAMILY REUNIFICATION FOR UNACCOMPANIED**  
22                              **ALIEN CHILDREN WITH RELATIVES IN THE**  
23                              **UNITED STATES.**

24          (a) PLACEMENT AUTHORITY.—

1           (1) ORDER OF PREFERENCE.—Subject to the  
2 discretion of the Director under paragraph (4), sec-  
3 tion 813(a)(2), and section 462(b)(2) of the Home-  
4 land Security Act of 2002 (6 U.S.C. 279(b)(2)), an  
5 unaccompanied alien child in the custody of the Of-  
6 fice shall be promptly placed with 1 of the following  
7 individuals or entities in the following order of pref-  
8 erence:

9           (A) A parent who seeks to establish cus-  
10 tody, as described in paragraph (3)(A).

11           (B) A legal guardian who seeks to estab-  
12 lish custody, as described in paragraph (3)(A).

13           (C) An adult relative.

14           (D) An individual or entity designated by  
15 the parent or legal guardian that is capable and  
16 willing to care for the well-being of the child.

17           (E) A State-licensed juvenile shelter, group  
18 home, or foster care program willing to accept  
19 custody of the child.

20           (F) A qualified adult or entity seeking cus-  
21 tody of the child when it appears that there is  
22 no other likely alternative to long-term deten-  
23 tion and family reunification does not appear to  
24 be a reasonable alternative. For purposes of  
25 this subparagraph, the Office shall decide who

1 is a qualified adult or entity and promulgate  
2 regulations in accordance with such decision.

3 (2) SUITABILITY ASSESSMENT.—

4 (A) GENERAL REQUIREMENTS.—Notwith-  
5 standing paragraph (1), and subject to the re-  
6 quirements of subparagraph (B), no unaccom-  
7 panied alien child shall be placed with a person  
8 or entity described in any of subparagraphs (A)  
9 through (F) of paragraph (1) unless the Direc-  
10 tor certifies, in writing, that the proposed cus-  
11 todian is capable of providing for the child's  
12 physical and mental well-being, based on—

13 (i) with respect to an individual custo-  
14 dian—

15 (I) verification of such individ-  
16 ual's identity and employment;

17 (II) a finding that such indi-  
18 vidual has not engaged in any activity  
19 that would indicate a potential risk to  
20 the child, including the activities de-  
21 scribed in paragraph (4)(A);

22 (III) a finding that such indi-  
23 vidual has no open investigation by a  
24 state or local child protective services

1 authority due to suspected child abuse  
2 or neglect;

3 (IV) verification that such indi-  
4 vidual has a plan for the provision of  
5 care for the child; and

6 (V) verification of familial rela-  
7 tionship of such individual, if any re-  
8 lationship is claimed; and

9 (ii) verification of nature and extent  
10 of previous relationship;

11 (iii) with respect to a custodial entity,  
12 verification of such entity's appropriate li-  
13 censure by the State, county, or other ap-  
14 plicable unit of government; and

15 (iv) such other information as the Di-  
16 rector determines appropriate.

17 (B) HOME STUDY.—

18 (i) IN GENERAL.—A home study shall  
19 be conducted prior to release with respect  
20 to each proposed custodian described in  
21 any of subparagraphs (A) through (F) of  
22 paragraph (1) unless waived by the Direc-  
23 tor.

24 (ii) SPECIAL NEEDS CHILDREN.—In  
25 the case of a special needs child with a dis-

1 ability (as defined in section 3 of the  
2 Americans with Disabilities Act of 1990  
3 (42 U.S.C. 12102(2)), a home study shall  
4 be conducted to determine if the child's  
5 needs can be properly met by the custo-  
6 dian.

7 (C) CONTRACT AUTHORITY.—The Director  
8 may, by grant or contract, arrange for some or  
9 all of the activities under this section to be car-  
10 ried out by—

11 (i) an agency of the State of the  
12 child's proposed residence;

13 (ii) an agency authorized by such  
14 State to conduct such activities; or

15 (iii) an appropriate voluntary or non-  
16 profit agency.

17 (D) DATABASE ACCESS.—In conducting  
18 suitability assessments, the Director shall be  
19 given access to all relevant information in the  
20 appropriate Federal, State, and local law en-  
21 forcement and immigration databases.

22 (3) RIGHT OF PARENT OR LEGAL GUARDIAN TO  
23 CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

24 (A) PLACEMENT WITH PARENT OR LEGAL  
25 GUARDIAN.—If an unaccompanied alien child is

1 placed with any person or entity other than a  
2 parent or legal guardian, and subsequent to  
3 that placement a parent or legal guardian seeks  
4 to establish custody, the Director shall—

5 (i) assess the suitability of placing the  
6 child with the parent or legal guardian;  
7 and

8 (ii) make a written determination on  
9 the child's placement within 30 days.

10 (B) RULE OF CONSTRUCTION.—Nothing in  
11 this title shall be construed to—

12 (i) supersede obligations under any  
13 treaty or other international agreement to  
14 which the United States is a party, includ-  
15 ing The Hague Convention on the Civil As-  
16 pects of International Child Abduction, the  
17 Vienna Declaration and Program of Ac-  
18 tion, and the Declaration of the Rights of  
19 the Child; or

20 (ii) limit any right or remedy under  
21 such international agreement.

22 (4) PROTECTION FROM SMUGGLERS AND TRAF-  
23 FICKERS.—

24 (A) POLICIES AND PROGRAMS.—

1 (i) IN GENERAL.—The Director shall  
2 establish policies and programs to ensure  
3 that unaccompanied alien children are pro-  
4 tected from smugglers, traffickers, or other  
5 persons seeking to victimize or otherwise  
6 engage such children in criminal, harmful,  
7 or exploitative activity.

8 (ii) WITNESS PROTECTION PROGRAMS  
9 INCLUDED.—Programs established pursu-  
10 ant to clause (i) may include witness pro-  
11 tection programs.

12 (B) CRIMINAL INVESTIGATIONS AND PROS-  
13 ECUTIONS.—Any officer or employee of the Of-  
14 fice or the Department of Homeland Security,  
15 and any grantee or contractor of the Office,  
16 who suspects any individual of involvement in  
17 any activity described in subparagraph (A) shall  
18 report such individual to Federal or State pros-  
19 ecutors for criminal investigation and prosecu-  
20 tion.

21 (C) DISCIPLINARY ACTION.—Any officer or  
22 employee of the Office or the Department of  
23 Homeland Security, and any grantee or con-  
24 tractor of the Office, who suspects an attorney  
25 of involvement in any activity described in sub-

1 paragraph (A) shall report the individual to the  
2 State bar association of which the attorney is a  
3 member, or to other appropriate disciplinary  
4 authorities, for appropriate disciplinary action,  
5 which may include private or public admonition  
6 or censure, suspension, or disbarment of the at-  
7 torney from the practice of law.

8 (5) GRANTS AND CONTRACTS.—The Director  
9 may award grants to, and enter into contracts with,  
10 voluntary agencies to carry out this section or sec-  
11 tion 462 of the Homeland Security Act of 2002 (6  
12 U.S.C. 279).

13 (6) REIMBURSEMENT OF STATE EXPENSES.—  
14 The Director may reimburse States for any expenses  
15 they incur in providing assistance to unaccompanied  
16 alien children who are served pursuant to this title  
17 or section 462 of the Homeland Security Act of  
18 2002 (6 U.S.C. 279).

19 (b) CONFIDENTIALITY.—All information obtained by  
20 the Office relating to the immigration status of a person  
21 described in subparagraphs (A), (B), and (C) of sub-  
22 section (a)(1) shall remain confidential and may be used  
23 only for the purposes of determining such person's quali-  
24 fications under subsection (a)(1).

1 (c) REQUIRED DISCLOSURE.—The Secretary of  
2 Health and Human Services or the Secretary of Homeland  
3 Security shall provide the information furnished under  
4 this section, and any other information derived from such  
5 furnished information, to—

6 (1) a duly recognized law enforcement entity in  
7 connection with an investigation or prosecution of an  
8 offense described in paragraph (2) or (3) of section  
9 212(a) of the Immigration and Nationality Act (8  
10 U.S.C. 1182(a)), when such information is requested  
11 in writing by such entity; or

12 (2) an official coroner for purposes of affirma-  
13 tively identifying a deceased individual (whether or  
14 not such individual is deceased as a result of a  
15 crime).

16 (d) PENALTY.—Whoever knowingly uses, publishes,  
17 or permits information to be examined in violation of this  
18 section shall be fined not more than \$10,000.

19 **SEC. 813. APPROPRIATE CONDITIONS FOR DETENTION OF**  
20 **UNACCOMPANIED ALIEN CHILDREN.**

21 (a) STANDARDS FOR PLACEMENT.—

22 (1) PROHIBITION OF DETENTION IN CERTAIN  
23 FACILITIES.—Except as provided in paragraph (2),  
24 an unaccompanied alien child shall not be placed in

1 an adult detention facility or a facility housing delin-  
2 quent children.

3 (2) DETENTION IN APPROPRIATE FACILITIES.—

4 An unaccompanied alien child who has exhibited a  
5 violent or criminal behavior that endangers others  
6 may be detained in conditions appropriate to such  
7 behavior in a facility appropriate for delinquent chil-  
8 dren.

9 (3) STATE LICENSURE.—A child shall not be  
10 placed with an entity described in section  
11 812(a)(1)(E), unless the entity is licensed by an ap-  
12 propriate State agency to provide residential, group,  
13 child welfare, or foster care services for dependent  
14 children.

15 (4) CONDITIONS OF DETENTION.—

16 (A) IN GENERAL.—The Director and the  
17 Secretary of Homeland Security shall promul-  
18 gate regulations incorporating standards for  
19 conditions of detention of an unaccompanied  
20 alien child that provide for—

21 (i) educational services appropriate to  
22 the child;

23 (ii) medical care;

- 1 (iii) mental health care, including  
2 treatment of trauma, physical and sexual  
3 violence, or abuse;
- 4 (iv) access to telephones;
- 5 (v) access to legal services;
- 6 (vi) access to interpreters;
- 7 (vii) supervision by professionals  
8 trained in the care of children, taking into  
9 account the special cultural, linguistic, and  
10 experiential needs of children in immigra-  
11 tion proceedings;
- 12 (viii) recreational programs and activi-  
13 ties;
- 14 (ix) spiritual and religious needs; and  
15 (x) dietary needs.

16 (B) NOTIFICATION OF CHILDREN.—Regu-  
17 lations promulgated under subparagraph (A)  
18 shall provide that all children are notified of  
19 such standards orally and in writing in the  
20 child’s native language.

21 (b) PROHIBITION OF CERTAIN PRACTICES.—

22 (1) IN GENERAL.—The Director and the Sec-  
23 retary shall develop procedures for treatment of un-  
24 accompanied alien children prohibiting the unreason-  
25 able use of—

1 (A) shackling, handcuffing, or other re-  
2 straints on children;

3 (B) solitary confinement;

4 (C) contact with adult detainees; or

5 (D) pat or strip searches.

6 (2) PROCEDURES.—The procedures under para-  
7 graph (1) shall require that a reasonable use of a  
8 practice described in paragraph (1) shall be justified  
9 in writing, reviewed by an immigration judge, and  
10 subject to administrative and judicial review.

11 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
12 tion shall be construed to supersede procedures favoring  
13 release of children to appropriate adults or entities or  
14 placement in the least secure setting possible, as defined  
15 in the Stipulated Settlement Agreement under Flores v.  
16 Reno.

17 **SEC. 814. REPATRIATED UNACCOMPANIED ALIEN CHIL-**  
18 **DREN.**

19 (a) COUNTRY CONDITIONS.—

20 (1) SENSE OF CONGRESS.—It is the sense of  
21 Congress that, to the extent consistent with the trea-  
22 ties and other international agreements to which the  
23 United States is a party, and to the extent prac-  
24 ticable, the United States Government should under-  
25 take efforts to ensure that it does not repatriate

1 children in its custody into settings that would  
2 threaten the life and safety of such children.

3 (2) ASSESSMENT OF CONDITIONS.—

4 (A) IN GENERAL.—The annual Country  
5 Reports on Human Rights Practices published  
6 by the Department of State shall contain an as-  
7 sessment of the degree to which each country  
8 protects children from smugglers and traf-  
9 fickers.

10 (B) FACTORS FOR ASSESSMENT.—The De-  
11 partment shall consult the Country Reports on  
12 Human Rights Practices and the Trafficking in  
13 Persons Report in assessing whether to repa-  
14 triate an unaccompanied alien child to a par-  
15 ticular country.

16 (C) HOMELESSNESS ASSESSMENT.—The  
17 annual Country Report on Human Rights Prac-  
18 tices published by the Department of State  
19 shall contain an assessment of the extent of pa-  
20 rental abandonment and homelessness among  
21 children of the country.

22 (b) REPORT ON REPATRIATION OF UNACCOMPANIED  
23 ALIEN CHILDREN.—

24 (1) IN GENERAL.—Not later than 18 months  
25 after the date of enactment of this Act, and annually

1 thereafter, the Secretary shall submit a report to the  
2 Committee on the Judiciary of the Senate and the  
3 Committee on the Judiciary of the House of Rep-  
4 resentatives on efforts to repatriate unaccompanied  
5 alien children.

6 (2) CONTENTS.—The report submitted under  
7 paragraph (1) shall include—

8 (A) the number of unaccompanied alien  
9 children ordered removed and the number of  
10 such children actually removed from the United  
11 States;

12 (B) a description of the type of immigra-  
13 tion relief sought and denied to such children;

14 (C) a statement of the nationalities, ages,  
15 and gender of such children;

16 (D) a description of the procedures used to  
17 effect the removal of such children from the  
18 United States;

19 (E) a description of steps taken to ensure  
20 that such children were safely and humanely re-  
21 patriated to their country of origin;

22 (F) any information gathered in assess-  
23 ments of country and local conditions pursuant  
24 to subsection (a)(2);

1 (G) the number of unaccompanied alien  
2 children requesting permission for a State to  
3 have jurisdiction in a juvenile court for the pur-  
4 pose obtaining a finding of abuse, neglect, or  
5 abandonment, and the number of such requests  
6 approved and denied; and

7 (H) the number of unaccompanied alien  
8 children eligible for, applying for, granted, or  
9 denied a visa under section 101(a)(15)(T) of  
10 the Immigration and Nationality Act (8 U.S.C.  
11 1101(a)(15)(T)).

12 **SEC. 815. ESTABLISHING THE AGE OF AN UNACCOMPANIED**  
13 **ALIEN CHILD.**

14 (a) PROCEDURES.—

15 (1) IN GENERAL.—The Director shall develop  
16 procedures, in consultation with the Secretary, to  
17 make a prompt determination of the age of an alien,  
18 to be used—

19 (A) by the Department, with respect to  
20 aliens in the custody of the Department; and

21 (B) by the Office, with respect to aliens in  
22 the custody of the Office.

23 (2) EVIDENCE.—The procedures developed  
24 under paragraph (1) shall—

1 (A) permit the presentation of multiple  
2 forms of evidence, including testimony of the  
3 alien, to determine the age of the unaccom-  
4 panied alien for purposes of placement, custody,  
5 parole, and detention; and

6 (B) allow the appeal of a determination to  
7 an immigration judge.

8 (b) PROHIBITION ON SOLE MEANS OF DETERMINING  
9 AGE.—Radiographs or the attestation of an alien shall not  
10 be used as the sole means of determining age for the pur-  
11 poses of determining an alien’s eligibility for treatment  
12 under this title or section 462 of the Homeland Security  
13 Act of 2002 (6 U.S.C. 279).

14 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
15 tion shall be construed to place the burden of proof in  
16 determining the age of an alien on the Government.

17 **SEC. 816. EFFECTIVE DATE.**

18 This subtitle shall take effect on the date which is  
19 90 days after the date of enactment of this Act.

20 **Subtitle B—Access by Unaccom-**  
21 **panied Alien Children to Child**  
22 **Advocates and Counsel**

23 **SEC. 821. CHILD ADVOCATES.**

24 (a) ESTABLISHMENT OF CHILD ADVOCATE PRO-  
25 GRAM.—

1 (1) APPOINTMENT.—

2 (A) AUTHORIZATION FOR APPOINTMENT.—

3 The Director may appoint a child advocate, who  
4 meets the qualifications described in paragraph  
5 (2), for an unaccompanied alien child.

6 (B) MANDATORY APPOINTMENT.—The Di-  
7 rector shall appoint a child advocate, who meets  
8 the qualifications described in paragraph (2),  
9 for each unaccompanied alien child requesting  
10 permission for a State to have jurisdiction in a  
11 juvenile court for the purpose of obtaining a  
12 finding of abuse, neglect, or abandonment.

13 (C) CONTRACT WITH AGENCY.—The Direc-  
14 tor is encouraged, wherever practicable, to con-  
15 tract with a voluntary agency for the selection  
16 of an individual to be appointed as a child advo-  
17 cate under this paragraph.

18 (2) QUALIFICATIONS OF CHILD ADVOCATE.—

19 (A) IN GENERAL.—No person shall serve  
20 as a child advocate unless such person—

21 (i) is a child welfare professional or  
22 other individual who has received training  
23 in child welfare matters; and

1                   (ii) possesses special training on the  
2                   nature of problems encountered by unac-  
3                   companied alien children.

4                   (B) PROHIBITION.—A child advocate shall  
5                   not be an employee of the Department, the Of-  
6                   fice, or the Executive Office for Immigration  
7                   Review.

8                   (3) DUTIES.—The child advocate shall—

9                   (A) conduct interviews with the child in a  
10                  manner that is appropriate, taking into account  
11                  the child’s age;

12                  (B) investigate the facts and circumstances  
13                  relevant to the child’s presence in the United  
14                  States, including facts and circumstances—

15                       (i) arising in the country of the child’s  
16                       nationality or last habitual residence; and

17                       (ii) arising subsequent to the child’s  
18                       departure from such country;

19                  (C) work with counsel to identify the  
20                  child’s eligibility for relief from removal or vol-  
21                  untary departure by sharing with counsel infor-  
22                  mation collected under subparagraph (B);

23                  (D) develop recommendations on issues  
24                  relative to the child’s custody, detention, re-  
25                  lease, and repatriation;

1 (E) take reasonable steps to ensure that—

2 (i) the best interests of the child are  
3 promoted while the child participates in, or  
4 is subject to, proceedings or matters under  
5 the Immigration and Nationality Act (8  
6 U.S.C. 1101 et seq.);

7 (ii) the child understands the nature  
8 of the legal proceedings or matters and de-  
9 terminations made by the court, and that  
10 all information is conveyed to the child in  
11 an age-appropriate manner; and

12 (F) report factual findings relating to—

13 (i) information collected under sub-  
14 paragraph (B);

15 (ii) the care and placement of the  
16 child during the pendency of the pro-  
17 ceedings or matters; and

18 (iii) any other information collected  
19 under subparagraph (D).

20 (4) TERMINATION OF APPOINTMENT.—The  
21 child advocate shall carry out the duties described in  
22 paragraph (3) until the earliest of the date on  
23 which—

24 (A) those duties are completed;

25 (B) the child departs the United States;

1 (C) the child is granted permanent resi-  
2 dent status in the United States;

3 (D) the child attains the age of 18; or

4 (E) the child is placed in the custody of a  
5 parent or legal guardian.

6 (5) POWERS.—The child advocate—

7 (A) shall have reasonable access to the  
8 child, including access while such child is being  
9 held in detention or in the care of a foster fam-  
10 ily;

11 (B) shall be permitted to review all records  
12 and information relating to such proceedings  
13 that are not deemed privileged or classified;

14 (C) may seek independent evaluations of  
15 the child;

16 (D) shall be notified in advance of all hear-  
17 ings or interviews involving the child that are  
18 held in connection with proceedings or matters  
19 under the Immigration and Nationality Act (8  
20 U.S.C. 1101 et seq.), and shall be given a rea-  
21 sonable opportunity to be present at such hear-  
22 ings or interviews;

23 (E) shall be permitted to consult with the  
24 child during any hearing or interview involving  
25 such child; and

1 (F) shall be provided at least 24 hours ad-  
2 vance notice of a transfer of that child to a dif-  
3 ferent placement, absent compelling and un-  
4 usual circumstances warranting the transfer of  
5 such child before such notification.

6 (b) TRAINING.—

7 (1) IN GENERAL.—The Director shall provide  
8 professional training for all persons serving as  
9 guardians ad litem under this section.

10 (2) TRAINING TOPICS.—The training provided  
11 under paragraph (1) shall include training in—

12 (A) the circumstances and conditions that  
13 unaccompanied alien children face; and

14 (B) various immigration benefits for which  
15 such alien child might be eligible.

16 (c) PILOT PROGRAM.—

17 (1) IN GENERAL.—Not later than 180 days  
18 after the date of enactment of this Act, the Director  
19 shall establish and begin to carry out a pilot pro-  
20 gram to test the implementation of subsection (a).

21 (2) PURPOSE.—The purpose of the pilot pro-  
22 gram established under paragraph (1) is to—

23 (A) study and assess the benefits of pro-  
24 viding guardians ad litem to assist unaccom-

1           panied alien children involved in immigration  
2           proceedings or matters;

3                   (B) assess the most efficient and cost-ef-  
4           fective means of implementing the child advo-  
5           cate provisions in this section; and

6                   (C) assess the feasibility of implementing  
7           such provisions on a nationwide basis for all un-  
8           accompanied alien children in the care of the  
9           Office.

10           (3) SCOPE OF PROGRAM.—

11                   (A) SELECTION OF SITE.—The Director  
12           shall select 3 sites in which to operate the pilot  
13           program established under paragraph (1).

14                   (B) NUMBER OF CHILDREN.—To the  
15           greatest extent possible, each site selected  
16           under subparagraph (A) should have at least 25  
17           children held in immigration custody at any  
18           given time.

19                   (4) REPORT TO CONGRESS.—Not later than 1  
20           year after the date on which the first pilot program  
21           site is established under paragraph (1), the Director  
22           shall submit a report on the achievement of the pur-  
23           poses described in paragraph (2) to the Committee  
24           on the Judiciary of the Senate and the Committee  
25           on the Judiciary of the House of Representatives.

1 **SEC. 822. COUNSEL.**

2 (a) ACCESS TO COUNSEL.—

3 (1) IN GENERAL.—The Director should ensure  
4 that all unaccompanied alien children in the custody  
5 of the Office or the Department, who are not de-  
6 scribed in section 811(a)(2), have competent counsel  
7 to represent them in immigration proceedings or  
8 matters.

9 (2) PRO BONO REPRESENTATION.—To the max-  
10 imum extent practicable, the Director should—

11 (A) make every effort to utilize the services  
12 of competent pro bono counsel who agree to  
13 provide representation to such children without  
14 charge; and

15 (B) ensure that placements made under  
16 subparagraphs (D), (E), and (F) of section  
17 812(a)(1) are in cities where there is a dem-  
18 onstrated capacity for competent pro bono rep-  
19 resentation.

20 (3) DEVELOPMENT OF NECESSARY INFRA-  
21 STRUCTURES AND SYSTEMS.—For purposes of this  
22 subsection, the Director shall develop the necessary  
23 mechanisms to identify entities available to provide  
24 such legal assistance and representation and to re-  
25 cruit such entities.

1           (4) CONTRACTING AND GRANT MAKING AU-  
2 THORITY.—

3           (A) IN GENERAL.—The Director shall  
4 enter into contracts with, or award grants to,  
5 nonprofit agencies with relevant expertise in the  
6 delivery of immigration-related legal services to  
7 children in order to carry out the responsibil-  
8 ities of this title, including providing legal ori-  
9 entation, screening cases for referral, recruiting,  
10 training, and overseeing pro bono attorneys.

11           (B) SUBCONTRACTING.—Nonprofit agen-  
12 cies may enter into subcontracts with, or award  
13 grants to, private voluntary agencies with rel-  
14 evant expertise in the delivery of immigration-  
15 related legal services to children in order to  
16 carry out this subsection.

17           (C) CONSIDERATIONS REGARDING GRANTS  
18 AND CONTRACTS.—In awarding grants and en-  
19 tering into contracts with agencies under this  
20 paragraph, the Director shall take into consid-  
21 eration the capacity of the agencies in question  
22 to properly administer the services covered by  
23 such grants or contracts without an undue con-  
24 flict of interest.

1           (5) MODEL GUIDELINES ON LEGAL REPRESENTATION OF CHILDREN.—

2  
3           (A) DEVELOPMENT OF GUIDELINES.—The  
4           Executive Office for Immigration Review, in  
5           consultation with voluntary agencies and national  
6           experts, shall develop model guidelines  
7           for the legal representation of alien children in  
8           immigration proceedings. Such guidelines shall  
9           be based on the children’s asylum guidelines,  
10          the American Bar Association Model Rules of  
11          Professional Conduct, and other relevant domestic  
12          or international sources.

13          (B) PURPOSE OF GUIDELINES.—The  
14          guidelines developed under subparagraph (A)  
15          shall be designed to help protect each child  
16          from any individual suspected of involvement in  
17          any criminal, harmful, or exploitative activity  
18          associated with the smuggling or trafficking of  
19          children, while ensuring the fairness of the removal  
20          proceeding in which the child is involved.

21          (C) IMPLEMENTATION.—The Executive  
22          Office for Immigration Review shall adopt the  
23          guidelines developed under subparagraph (A)  
24          and submit the guidelines for adoption by national,  
25          State, and local bar associations.

1 (b) DUTIES.—Counsel under this section shall—

2 (1) represent the unaccompanied alien child in  
3 all proceedings and matters relating to the immigra-  
4 tion status of the child or other actions involving the  
5 Department;

6 (2) appear in person for all individual merits  
7 hearings before the Executive Office for Immigration  
8 Review and interviews involving the Department;  
9 and

10 (3) owe the same duties of undivided loyalty,  
11 confidentiality, and competent representation to the  
12 child as is due an adult client.

13 (c) ACCESS TO CHILD.—

14 (1) IN GENERAL.—Counsel shall have reason-  
15 able access to the unaccompanied alien child, includ-  
16 ing access while the child is being held in detention,  
17 in the care of a foster family, or in any other setting  
18 that has been determined by the Office.

19 (2) RESTRICTION ON TRANSFERS.—Absent  
20 compelling and unusual circumstances, no child who  
21 is represented by counsel shall be transferred from  
22 the child's placement to another placement unless  
23 advance notice of at least 24 hours is made to coun-  
24 sel of such transfer.

1 (d) NOTICE TO COUNSEL DURING IMMIGRATION  
2 PROCEEDINGS.—

3 (1) IN GENERAL.—Except when otherwise re-  
4 quired in an emergency situation involving the phys-  
5 ical safety of the child, counsel shall be given prompt  
6 and adequate notice of all immigration matters af-  
7 fecting or involving an unaccompanied alien child,  
8 including adjudications, proceedings, and processing,  
9 before such actions are taken.

10 (2) OPPORTUNITY TO CONSULT WITH COUN-  
11 SEL.—An unaccompanied alien child in the custody  
12 of the Office may not give consent to any immigra-  
13 tion action, including consenting to voluntary depart-  
14 ure, without first consulting with counsel.

15 (e) ACCESS TO RECOMMENDATIONS OF CHILD ADVO-  
16 CATE.—Counsel shall be given an opportunity to review  
17 the recommendation by the child advocate affecting or in-  
18 volving a client who is an unaccompanied alien child.

19 (f) COUNSEL FOR UNACCOMPANIED ALIEN CHIL-  
20 DREN.—The United States shall pay for counsel to any  
21 unaccompanied alien child without the means to pay for  
22 counsel himself or herself.

1 **SEC. 823. PRESERVATION OF LAW ENFORCEMENT AUTHOR-**  
2 **ITY.**

3 (a) **IN GENERAL.**—The child advocate or counsel ap-  
4 pointed under this subtitle shall not interfere with Federal  
5 investigators or prosecutors in a Federal criminal inves-  
6 tigation or prosecution in which the child is a victim or  
7 witness.

8 (b) **DEFINITION.**—In subsection (a), the term “inter-  
9 fere with” shall include—

10 (1) restricting access to a victim or witness;

11 (2) encouraging noncooperation with Federal  
12 investigators or prosecutors; and

13 (3) being present during interviews of the child  
14 by Federal investigators or prosecutors without the  
15 permission of the investigators or prosecutors.

16 **SEC. 824. EFFECTIVE DATE; APPLICABILITY.**

17 (a) **EFFECTIVE DATE.**—This subtitle shall take effect  
18 180 days after the date of enactment of this Act.

19 (b) **APPLICABILITY.**—The provisions of this subtitle  
20 shall apply to all unaccompanied alien children in Federal  
21 custody on, before, or after the effective date of this title.

1 **Subtitle C—Strengthening Policies**  
2 **for Permanent Protection of**  
3 **Alien Children**

4 **SEC. 831. SPECIAL IMMIGRANT JUVENILE CLASSIFICATION.**

5 (a) **J CLASSIFICATION.**—Section 101(a)(27)(J) of  
6 the Immigration and Nationality Act (8 U.S.C.  
7 1101(a)(27)(J)) is amended to read as follows:

8 “(J) an immigrant, who is 18 years of age or  
9 younger on the date of application for the classifica-  
10 tion and who is present in the United States—

11 “(i) who by a court order supported by  
12 written findings of fact, which shall be binding  
13 on the Secretary of Homeland Security for pur-  
14 poses of adjudications under this subparagraph,  
15 was declared dependent on a juvenile court lo-  
16 cated in the United States or has been legally  
17 committed to, or placed under the custody of,  
18 a department or agency of a State, or an indi-  
19 vidual or entity appointed by a State or juvenile  
20 court located in the United States, and who has  
21 been deemed eligible by that court for long-term  
22 foster care due to abuse, neglect, abandonment,  
23 or a similar basis found under State law;

24 “(ii) for whom it has been determined by  
25 written findings of fact in administrative or ju-

1           dicial proceedings that it would not be in the  
2           alien’s best interest to be returned to the alien’s  
3           or parent’s previous country of nationality or  
4           country of last habitual residence; and

5           “(iii) with respect to a child in Federal  
6           custody, for whom the Office of Refugee Reset-  
7           tlement of the Department of Health and  
8           Human Services has certified to the Director of  
9           U.S. Citizenship and Immigration Services that  
10          the classification of an alien as a special immi-  
11          grant under this subparagraph has not been  
12          made solely to provide an immigration benefit  
13          to that alien,

14          “except that no natural parent or prior adoptive  
15          parent of any alien provided special immigrant sta-  
16          tus under this subparagraph shall thereafter, by vir-  
17          tue of such parentage, be accorded any right, privi-  
18          lege, or status under this Act;”.

19          (b) ADJUSTMENT OF STATUS.—Section 245(h)(2)(A)  
20 of the Immigration and Nationality Act (8 U.S.C.  
21 1255(h)(2)(A)) is amended to read as follows:

22           “(A) paragraphs (4), (5)(A), (6)(A),  
23           (7)(A), 9(B), and 9(C)(i)(I) of section 212(a)  
24           shall not apply; and”.

1 (c) ELIGIBILITY FOR ASSISTANCE.—A child who has  
2 been granted relief under section 811(a)(27)(J) of the Im-  
3 migration and Nationality Act (8 U.S.C. 1101(a)(27)(J)),  
4 may be eligible for funds made available under section  
5 412(d) of that Act (8 U.S.C. 1522(d)) until such time as  
6 the child attains the age designated in section  
7 412(d)(2)(B) of that Act (8 U.S.C. 1522(d)(2)(B)), or  
8 until the child is placed in a permanent adoptive home,  
9 whichever occurs first.

10 (d) TRANSITION RULE.—Notwithstanding any other  
11 provision of law, any child described in section  
12 101(a)(27)(J) of the Immigration and Nationality Act (8  
13 U.S.C. 1101(a)(27)(J)) who filed an application for spe-  
14 cial immigrant juvenile classification before the date of en-  
15 actment of this Act and who was 19, 20, or 21 years of  
16 age on the date such application was filed shall not be  
17 denied such classification after the date of enactment of  
18 this Act because of such alien’s age.

19 **SEC. 832. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE**  
20 **PARTIES WHO COME INTO CONTACT WITH**  
21 **UNACCOMPANIED ALIEN CHILDREN.**

22 (a) TRAINING OF STATE AND LOCAL OFFICIALS AND  
23 CERTAIN PRIVATE PARTIES.—

24 (1) IN GENERAL.—The Secretary of Health and  
25 Human Services, acting jointly with the Secretary,

1 shall provide appropriate training materials, and if  
2 requested, direct training, to State and county offi-  
3 cials, child welfare specialists, teachers, public coun-  
4 sel, and juvenile judges who come into contact with  
5 unaccompanied alien children.

6 (2) CURRICULUM.—The training shall provide  
7 education on the processes pertaining to unaccom-  
8 panied alien children with pending immigration sta-  
9 tus and on the forms of relief potentially available.  
10 The Director shall be responsible for establishing a  
11 core curriculum that can be incorporated into edu-  
12 cation, training, or orientation modules or formats  
13 that are currently used by these professionals.

14 (3) VIDEO CONFERENCING.—If direct training  
15 is requested under this subsection, such training  
16 may be conducted through video conferencing.

17 (b) TRAINING OF DEPARTMENT PERSONNEL.—The  
18 Secretary, acting jointly with the Secretary of Health and  
19 Human Services, shall provide specialized training to all  
20 personnel of the Department who come into contact with  
21 unaccompanied alien children. Training for Border Patrol  
22 agents and immigration inspectors shall include specific  
23 training on identifying children at the United States bor-  
24 ders or at United States ports of entry who have been  
25 victimized by smugglers or traffickers, and children for

1 whom asylum or special immigrant relief may be appro-  
2 priate, including children described in section 811(a)(2).

3 **SEC. 833. REPORT.**

4 Not later than 1 year after the date of enactment  
5 of this Act, and annually thereafter, the Secretary of  
6 Health and Human Services shall submit a report for the  
7 previous fiscal year to the Committee on the Judiciary of  
8 the Senate and the Committee on the Judiciary of the  
9 House of Representatives that contains—

10 (1) data related to the implementation of sec-  
11 tion 462 of the Homeland Security Act (6 U.S.C.  
12 279);

13 (2) data regarding the care and placement of  
14 children in accordance with this title;

15 (3) data regarding the provision of child advo-  
16 cate and counsel services under this title; and

17 (4) any other information that the Director or  
18 the Secretary of Health and Human Services deter-  
19 mines to be appropriate.

20 **SEC. 834. EFFECTIVE DATE.**

21 The amendment made by section 831 shall apply to  
22 all aliens who were in the United States before, on, or  
23 after the date of enactment of this Act.

1     **Subtitle D—Children Refugee and**  
2                     **Asylum Seekers**

3     **SEC. 841. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.**

4             (a) SENSE OF CONGRESS.—Congress—

5                     (1) commends the former Immigration and  
6             Naturalization Service for its issuance of its “Guide-  
7             lines for Children’s Asylum Claims”, dated Decem-  
8             ber 1998, and encourages and supports the imple-  
9             mentation of such guidelines by the Department in  
10            an effort to facilitate the handling of children’s af-  
11            firmative asylum claims;

12                    (2) commends the Executive Office for Immi-  
13            gration Review of the Department of Justice for its  
14            issuance of its “Guidelines for Immigration Court  
15            Cases Involving Unaccompanied Alien Children”,  
16            dated September 2004, and encourages and supports  
17            the continued implementation of such guidelines by  
18            the Executive Office for Immigration Review in its  
19            handling of children’s asylum claims before immigra-  
20            tion judges; and

21                    (3) understands that the guidelines described in  
22            paragraph (2) do not specifically address the issue  
23            of asylum claims, but go to the broader issue of un-  
24            accompanied alien children in general.

25             (b) TRAINING.—

1           (1) IMMIGRATION OFFICERS.—The Secretary  
2 shall provide periodic comprehensive training under  
3 the “Guidelines for Children’s Asylum Claims” to  
4 asylum officers and immigration officers who have  
5 contact with children in order to familiarize and sen-  
6 sitize such officers to the needs of children asylum  
7 seekers.

8           (2) IMMIGRATION JUDGES.—The Executive Of-  
9 fice for Immigration Review shall—

10           (A) provide periodic comprehensive train-  
11 ing under the “Guidelines for Immigration  
12 Court Cases Involving Unaccompanied Alien  
13 Children” and the “Guidelines for Children’s  
14 Asylum Claims” to immigration judges and  
15 members of the Board of Immigration Appeals;  
16 and

17           (B) redistribute to all Immigration Courts  
18 the “Guidelines for Children’s Asylum Claims”  
19 as part of its training of immigration judges.

20           (3) USE OF VOLUNTARY AGENCIES.—Voluntary  
21 agencies shall be allowed to assist in the training de-  
22 scribed in this subsection.

1 **SEC. 842. UNACCOMPANIED REFUGEE CHILDREN.**

2 (a) IDENTIFYING UNACCOMPANIED REFUGEE CHIL-  
3 DREN.—Section 207(e) of the Immigration and Nation-  
4 ality Act (8 U.S.C. 1157(e)) is amended—

5 (1) by redesignating paragraphs (3), (4), (5),  
6 (6), and (7) as paragraphs (4), (5), (6), (7), and  
7 (8), respectively; and

8 (2) by inserting after paragraph (2) the fol-  
9 lowing:

10 “(3) An analysis of the worldwide situation  
11 faced by unaccompanied refugee children, by region,  
12 which shall include an assessment of—

13 “(A) the number of unaccompanied refugee  
14 children, by region;

15 “(B) the capacity of the Department of  
16 State to identify such refugees;

17 “(C) the capacity of the international com-  
18 munity to care for and protect such refugees;

19 “(D) the capacity of the voluntary agency  
20 community to resettle such refugees in the  
21 United States;

22 “(E) the degree to which the United States  
23 plans to resettle such refugees in the United  
24 States in the coming fiscal year; and

1           “(F) the fate that will befall such unac-  
2            companied refugee children for whom resettle-  
3            ment in the United States is not possible.”.

4           (b) TRAINING ON THE NEEDS OF UNACCOMPANIED  
5 REFUGEE CHILDREN.—Section 207(f)(2) of the Immigra-  
6 tion and Nationality Act (8 U.S.C. 1157(f)(2)) is amended  
7 by—

8           (1) striking “and” after “countries,”; and

9           (2) inserting before the period at the end the  
10          following: “, and instruction on the needs of unac-  
11          companied refugee children”.

12 **SEC. 843. EXCEPTIONS FOR UNACCOMPANIED ALIEN CHIL-**  
13 **DREN IN ASYLUM AND REFUGEE-LIKE CIR-**  
14 **CUMSTANCES.**

15          (a) PLACEMENT IN REMOVAL PROCEEDINGS.—Any  
16 unaccompanied alien child apprehended by the Depart-  
17 ment, except for an unaccompanied alien child subject to  
18 exceptions under paragraph (1)(A) or (2) of section  
19 811(a), shall be placed in removal proceedings under sec-  
20 tion 240 of the Immigration and Nationality Act (8 U.S.C.  
21 1229a).

22          (b) EXCEPTION FROM TIME LIMIT FOR FILING ASY-  
23 LUM APPLICATION.—Section 208(a)(2) of the Immigra-  
24 tion and Nationality Act (8 U.S.C. 1158(a)(2)) is amend-  
25 ed by adding at the end the following:

1                   “(E) APPLICABILITY.—Subparagraphs (A)  
2                   and (B) shall not apply to an unaccompanied  
3                   alien child as defined in section 101(a)(51).”.

## 4                   **Subtitle E—Authorization of** 5                   **Appropriations**

### 6                   **SEC. 851. AUTHORIZATION OF APPROPRIATIONS.**

7                   (a) IN GENERAL.—There are authorized to be appro-  
8                   priated to the Department of Homeland Security, the De-  
9                   partment of Justice, and the Department of Health and  
10                  Human Services, such sums as may be necessary to carry  
11                  out—

12                  (1) the provisions of section 462 of the Home-  
13                  land Security Act of 2002 (6 U.S.C. 279); and

14                  (2) the provisions of this title.

15                  (b) AVAILABILITY OF FUNDS.—Amounts appro-  
16                  priated pursuant to subsection (a) shall remain available  
17                  until expended.

1       **Subtitle F—Amendments to the**  
2       **Homeland Security Act of 2002**

3       **SEC. 861. ADDITIONAL RESPONSIBILITIES AND POWERS OF**  
4                   **THE OFFICE OF REFUGEE RESETTLEMENT**  
5                   **WITH RESPECT TO UNACCOMPANIED ALIEN**  
6                   **CHILDREN.**

7       (a) ADDITIONAL RESPONSIBILITIES OF THE DIREC-  
8       TOR.—Section 462(b)(1) of the Homeland Security Act of  
9       2002 (6 U.S.C. 279(b)(1)) is amended—

10           (1) in subparagraph (K), by striking “and” at  
11           the end;

12           (2) in subparagraph (L), by striking the period  
13           at the end and inserting “, including regular follow-  
14           up visits to such facilities, placements, and other en-  
15           tities, to assess the continued suitability of such  
16           placements; and”;

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

18                   “(M) ensuring minimum standards of care  
19                   for all unaccompanied alien children—

20                           “(i) for whom detention is necessary;

21                           and

22                           “(ii) who reside in settings that are  
23                           alternative to detention.”.

24       (b) ADDITIONAL POWERS OF THE DIRECTOR.—Sec-  
25       tion 462(b) of the Homeland Security Act of 2002 (6

1 U.S.C. 279(b)) is amended by adding at the end the fol-  
2 lowing:

3 “(4) AUTHORITY.—In carrying out the duties  
4 under paragraph (3), the Director is authorized to—

5 “(A) contract with service providers to per-  
6 form the services described in sections 813,  
7 811, and 812 of the A Place to Call Home Act;  
8 and

9 “(B) compel compliance with the terms  
10 and conditions set forth in section 813 of the  
11 A Place to Call Home Act, including the power  
12 to—

13 “(i) declare providers to be in breach  
14 and seek damages for noncompliance;

15 “(ii) terminate the contracts of pro-  
16 viders that are not in compliance with such  
17 conditions; and

18 “(iii) reassign any unaccompanied  
19 alien child to a similar facility that is in  
20 compliance with such section.”.

21 **SEC. 862. TECHNICAL CORRECTIONS.**

22 Section 462(b) of the Homeland Security Act of 2002  
23 (6 U.S.C. 279(b)), as amended by section 861, is amend-  
24 ed—

1 (1) in paragraph (3), by striking “paragraph  
2 (1)(G)” and inserting “paragraph (1)”; and

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

4 “(5) STATUTORY CONSTRUCTION.—Nothing in  
5 paragraph (2)(B) may be construed to require that  
6 a bond be posted for unaccompanied alien children  
7 who are released to a qualified sponsor.”.

8 **SEC. 863. EFFECTIVE DATE.**

9 The amendments made by this subtitle shall take ef-  
10 fect as if included in the Homeland Security Act of 2002  
11 (6 U.S.C. 101 et seq.).

12 **TITLE IX—JUVENILE STATUS**  
13 **OFFENDERS**

14 **SEC. 901. DEINSTITUTIONALIZATION OF STATUS OFFEND-**  
15 **ERS.**

16 Section 223(a)(11) of the Juvenile Justice and Delin-  
17 quency Prevention Act of 1974 (42 U.S.C. 5633(a)(11))  
18 is amended by striking “excluding—” through “State;”  
19 and inserting “excluding juveniles who are charged with  
20 or who have committed a violation of section 922(x)(2)  
21 of title 18, United States Code, or of a similar State law;”.

○