

110TH CONGRESS
2D SESSION

S. 2771

To require the President to call a White House Conference on Children
and Youth in 2010.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2008

Ms. LANDRIEU (for herself, Mr. HAGEL, Ms. SNOWE, Mr. DODD, Mr. BAYH,
Mr. KERRY, Mr. CASEY, Mr. WHITEHOUSE, and Mr. JOHNSON) intro-
duced the following bill; which was read twice and referred to the Com-
mittee on Health, Education, Labor, and Pensions

A BILL

To require the President to call a White House Conference
on Children and Youth in 2010.

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 “White House Con-
5 ference on Children and Youth in 2010 Act”.

6 **SEC. 2. FINDINGS AND POLICY.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) In 2005 there were over 3,000,000 reports
9 of child abuse and neglect. Only 60 percent of the

1 children from the substantiated reports received fol-
2 low-up services, and 20 percent of such children
3 were placed in foster care as a result of an investiga-
4 tion.

5 (2) Each year there are nearly 900,000 sub-
6 stantiated reports of child abuse and neglect.

7 (3) Each year approximately 60 percent of such
8 substantiated reports are reports of neglect, 30 per-
9 cent are physical or sexual abuse reports, and more
10 than 20 percent are reports that involve other forms
11 of abuse.

12 (4) Almost 500,000 children (including youth)
13 were in foster care at the end of fiscal year 2004
14 and nearly 800,000 spent at least some time in fos-
15 ter care during the year.

16 (5) While 51,000 children are adopted from the
17 foster care system each year, more than 117,000
18 children are waiting to be adopted.

19 (6) Each year approximately 22,000 youth
20 leave the foster care system not because they have
21 found permanent placements, but because they have
22 reached the age at which foster care ends.

23 (7) The child welfare system includes State and
24 local governments, tribal governments, child welfare
25 agencies, child welfare caseworkers, private agencies,

1 social workers, the courts, volunteer court-appointed
2 special advocates, mental health and health care pro-
3 fessionals, educators, and advocates.

4 (8) There is an overrepresentation of certain
5 populations, including Native Americans and Afri-
6 can-Americans, in the child welfare system.

7 (9) The number of children being raised by
8 grandparents and other relatives is increasing and
9 exceeds 6,000,000 children. The Government recog-
10 nized that kinship care is a permanency option
11 through the enactment of the Adoption and Safe
12 Families Act of 1997.

13 (10) The State courts make key decisions in the
14 lives of children involved in the child welfare system,
15 including decisions about whether children have been
16 victims of child abuse, whether parental rights
17 should be terminated, and whether children should
18 be reunified with their families, adopted, or placed
19 in other settings.

20 (11) The child welfare system will never fully
21 address its primary mission unless the courts are an
22 integral and functioning component of a statewide
23 system of care and protection.

24 (b) POLICY.—It is the policy of Congress that—

1 (1) the Government should work jointly with
2 the States and their residents to develop rec-
3 ommendations and plans for action to meet the chal-
4 lenges and needs of children and families involved
5 with the child welfare system, consistent with this
6 Act;

7 (2) in developing such recommendations and
8 plans, the persons involved should emphasize the
9 role of the Government, State and local child welfare
10 systems, State and local family court systems, child
11 welfare advocates, guardians, and other key partici-
12 pants in such child welfare systems, with a goal of
13 enhancing and protecting the lives and well-being of
14 children and families who are involved with such
15 child welfare systems; and

16 (3) Federal, State, and local programs and poli-
17 cies should be developed to reduce the number of
18 children who are abused and neglected, to reduce the
19 number of children in foster care, and to dramati-
20 cally increase the number of children in permanent
21 placements through family reunification, kinship
22 placement, and adoption.

23 **SEC. 3. AUTHORIZATION OF THE CONFERENCE.**

24 (a) **AUTHORITY TO CALL THE CONFERENCE.**—The
25 President shall call a White House Conference on Children

1 and Youth in 2010 (referred to in this Act as “the Con-
2 ference”), to be convened not later than 18 months after
3 the selection of the last member of the Policy Committee
4 established in section 4, to encourage improvements in
5 each State and local child welfare system, and to develop
6 recommendations for actions to implement the policy set
7 forth in section 2(b).

8 (b) PLANNING AND DIRECTION.—The Secretary shall
9 plan, convene, and conduct the Conference in cooperation
10 with the heads of other appropriate Federal entities, in-
11 cluding the Attorney General, the Secretary of Education,
12 and the Secretary of Housing and Urban Development.

13 (c) PURPOSES OF THE CONFERENCE.—The purposes
14 of the Conference are—

15 (1) to identify the problems and challenges of
16 child abuse and neglect, and the needs of the chil-
17 dren and families affected by decisions made
18 through the child welfare system;

19 (2) to strengthen the use of research-based best
20 practices that can prevent child abuse and neglect
21 with a special focus on younger children;

22 (3) to strengthen the use of research-based best
23 practices that can increase placement permanency
24 for children removed from their homes, including

1 practices involving family reunification, kinship
2 placement, and adoption;

3 (4) to promote the role of State and local fam-
4 ily courts in each State child welfare system;

5 (5) to develop recommendations that will reduce
6 the number of children who are in out-of-home care
7 and who fail to leave foster care before the age of
8 majority, and recommendations that will reduce the
9 overrepresentation of certain populations in the child
10 welfare system;

11 (6) to examine the role of the Government in
12 building an equal partnership with State, local, and
13 tribal entities in order to assist with, and encourage,
14 State, local, and tribal coordination;

15 (7) to develop such specific and comprehensive
16 recommendations for State-level executive and legis-
17 lative action as may be appropriate for maintaining
18 and improving the well-being of children in such sys-
19 tem; and

20 (8) to review the status of recommendations re-
21 garding child welfare made by previous White House
22 conferences.

1 **SEC. 4. POLICY COMMITTEE.**

2 (a) ESTABLISHMENT.—There is established a Policy
3 Committee, which shall be comprised of 17 members to
4 be selected as follows:

5 (1) PRESIDENTIAL APPOINTEES.—Nine mem-
6 bers shall be selected by the President and shall con-
7 sist of—

8 (A) 3 members who are officers or employ-
9 ees of the Federal Government; and

10 (B) 6 members, who may be officers or
11 employees of the Federal Government, with ex-
12 perience in the field of child welfare, including
13 providers and children directly affected by the
14 child welfare system.

15 (2) HOUSE OF REPRESENTATIVES AP-
16 POINTEES.—

17 (A) MAJORITY APPOINTEES.—Two mem-
18 bers shall be selected by the Speaker of the
19 House of Representatives, after consultation
20 with the chairpersons of the Committee on
21 Education and Labor, and the Committee on
22 Ways and Means, of the House of Representa-
23 tives.

24 (B) MINORITY APPOINTEES.—Two mem-
25 bers shall be selected by the minority leader of
26 the House of Representatives, after consultation

1 with the ranking minority members of such
2 committees.

3 (3) SENATE APPOINTEES.—

4 (A) MAJORITY APPOINTEES.—Two mem-
5 bers shall be selected by the majority leader of
6 the Senate, after consultation with the chair-
7 persons of the Committee on Health, Edu-
8 cation, Labor, and Pensions, and the Com-
9 mittee on Finance, of the Senate.

10 (B) MINORITY APPOINTEES.—Two mem-
11 bers shall be selected by the minority leader of
12 the Senate, after consultation with the ranking
13 minority members of such committees.

14 (b) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
15 bers shall be appointed for the life of the Policy Com-
16 mittee. Any vacancy in the Policy Committee shall not af-
17 fect its powers, but shall be filled in the same manner as
18 the original appointment.

19 (c) VOTING; CHAIRPERSON.—

20 (1) VOTING.—The Policy Committee shall act
21 by the vote of a majority of the members present.

22 (2) CHAIRPERSON.—The President shall select
23 a chairperson from among the members of the Pol-
24 icy Committee. The chairperson may vote only to

1 break a tie vote of the other members of the Policy
2 Committee.

3 (d) DUTIES OF POLICY COMMITTEE.—

4 (1) MEETINGS.—The Policy Committee shall
5 hold its first meeting at the call of the Secretary,
6 not later than 30 days after the last member is se-
7 lected. Subsequent meetings of the Policy Committee
8 shall be held at the call of the chairperson of the
9 Policy Committee.

10 (2) GENERAL DUTIES.—Through meetings,
11 hearings, and working sessions, the Policy Com-
12 mittee shall—

13 (A) make recommendations to the Sec-
14 retary to facilitate the timely convening of the
15 Conference;

16 (B) submit to the Secretary a proposed
17 agenda for the Conference not later than 90
18 days after the first meeting of the Policy Com-
19 mittee;

20 (C) determine the number of delegates to
21 be selected in accordance with section 5 and the
22 manner by which the delegates are to be se-
23 lected in accordance with such section;

24 (D) select delegates for the Conference;
25 and

1 (E) establish other advisory committees as
2 needed to facilitate Conference participation
3 of—

4 (i) professionals with direct experience
5 providing services to children and families
6 in the child welfare system; and

7 (ii) children and families in the child
8 welfare system.

9 (e) POWERS OF THE POLICY COMMITTEE.—

10 (1) INFORMATION FROM FEDERAL AGENCIES.—

11 The Policy Committee may secure directly from any
12 Federal department or agency such information as
13 the Policy Committee considers necessary to carry
14 out this Act. Upon request of the chairperson of the
15 Policy Committee, the head of such department or
16 agency shall furnish such information to the Policy
17 Committee.

18 (2) POSTAL SERVICES.—The Policy Committee
19 may use the United States mails in the same man-
20 ner and under the same conditions as other depart-
21 ments and agencies of the Federal Government.

22 (f) PERSONNEL.—

23 (1) TRAVEL EXPENSES.—The members of the
24 Council shall not receive compensation for the per-
25 formance of services for the Council, but shall be al-

1 lowed travel expenses, including per diem in lieu of
2 subsistence, at rates authorized for employees of
3 agencies under subchapter I of chapter 57 of title 5,
4 United States Code, while away from their homes or
5 regular places of business in the performance of
6 services for the Council. Notwithstanding section
7 1342 of title 31, United States Code, the Secretary
8 may accept the voluntary and uncompensated serv-
9 ices of members of the Council.

10 (2) **DETAIL OF GOVERNMENT EMPLOYEES.—**

11 Any Federal Government employee may be detailed
12 to the Council without reimbursement, and such de-
13 tail shall be without interruption or loss of civil serv-
14 ice status or privilege.

15 **SEC. 5. CONFERENCE DELEGATES.**

16 To carry out the purposes of the Conference, the Sec-
17 retary shall convene delegates for the conference, who
18 shall be fairly balanced in terms of their points of view
19 with respect to child welfare, without regard to political
20 affiliation or past partisan activity, who shall include—

21 (1) the directors of child welfare systems of the

22 States;

23 (2) members of the State and local family court
24 systems, representatives of the State bar associa-
25 tions, and attorneys specializing in family law;

1 (3) elected officials of State and local govern-
2 ments; and

3 (4) advocates (including national and State or-
4 ganizations), guardians, experts in the field of child
5 welfare, families and children (including youth) af-
6 fected by the child welfare system, and the general
7 public.

8 **SEC. 6. CONFERENCE ADMINISTRATION.**

9 (a) ADMINISTRATION.—In conducting and planning
10 the Conference, the Secretary shall—

11 (1) request the cooperation and assistance of
12 the heads of such other Federal entities as may be
13 appropriate, including the detailing of personnel;

14 (2) furnish all reasonable assistance, including
15 financial assistance, not less than 18 months before
16 the Secretary convenes the Conference, to State
17 child welfare systems, State and local family court
18 systems, and other appropriate organizations, to en-
19 able them to organize and conduct State-level child
20 welfare conferences in conjunction with and in prep-
21 aration for participation in the Conference;

22 (3) prepare and make available for public com-
23 ment a proposed agenda, for the Conference, that
24 reflects to the greatest extent possible the major
25 child welfare issues facing child welfare systems and

1 the courts, consistent with the policy set forth in
2 section 2(b);

3 (4) prepare and make available background ma-
4 terials that the Secretary determines to be necessary
5 for the use of delegates to the Conference; and

6 (5) employ such additional personnel as may be
7 necessary to carry out this Act without regard to
8 provisions of title 5, United States Code, governing
9 appointments in the competitive service, and without
10 regard to chapter 51 and subchapter III of chapter
11 53 of such title, relating to classification and Gen-
12 eral Schedule pay rates.

13 (b) DUTIES.—In carrying out the Secretary’s respon-
14 sibilities and functions under this section, the Secretary
15 shall ensure that—

16 (1) the conferences held under subsection (a)(2)
17 will—

18 (A) be conducted so as to ensure broad
19 participation of individuals and groups; and

20 (B) include conferences on Native Ameri-
21 cans—

22 (i) to identify conditions that ad-
23 versely affect Native American children in
24 the child welfare system and to identify

1 Native American families who are at risk
2 of entering such system;

3 (ii) to propose solutions to ameliorate
4 such conditions; and

5 (iii) to provide for the exchange of in-
6 formation relating to the delivery of serv-
7 ices to Native American children in the
8 child welfare system and to Native Amer-
9 ican families who are at risk of entering
10 such system;

11 (2) the proposed agenda for the Conference
12 under subsection (a)(3) is—

13 (A) published in the Federal Register not
14 less than 180 days before the Conference is
15 convened; and

16 (B) made available for public comment for
17 a period of not less than 60 days;

18 (3) the final agenda for the Conference, pre-
19 pared after the Secretary takes into consideration
20 comments received under paragraph (2), is published
21 in the Federal Register, and transmitted to the chief
22 executive officers of the States, not later than 30
23 days after the close of the public comment period re-
24 quired by paragraph (2);

1 (4) the personnel employed under subsection
2 (a)(5) are fairly balanced in terms of their points of
3 view with respect to child welfare and are appointed
4 without regard to political affiliation or past par-
5 tisan activity;

6 (5) the recommendations of the Conference are
7 not inappropriately influenced by any public official
8 or special interest, but instead are the result of the
9 independent and collective judgment of the delegates
10 of the Conference; and

11 (6) before the Conference is convened—

12 (A) current and adequate statistical data
13 (including decennial census data) and other in-
14 formation on the well-being of children in the
15 United States; and

16 (B) such information as may be necessary
17 to evaluate Federal programs and policies relat-
18 ing to children;

19 which the Secretary may obtain by making grants to
20 or entering into agreements with, public agencies or
21 nonprofit organizations, are readily available in ad-
22 vance of the Conference to the delegates.

23 **SEC. 7. REPORT OF THE CONFERENCE.**

24 (a) PROPOSED REPORT.—

1 (1) PREPARATION.—After consultation with the
2 Policy Committee, the Secretary shall prepare a pro-
3 posed report of the Conference containing—

4 (A) the results of the Conference, which
5 shall include a statement of comprehensive co-
6 herent national policy on State child welfare
7 systems (including the courts involved); and

8 (B) recommendations of the Conference for
9 the implementation of such policy.

10 (2) PUBLICATION AND SUBMISSION.—The pro-
11 posed report shall be published in the Federal Reg-
12 ister, and submitted to the chief executive officers of
13 the States, not later than 60 days after the Con-
14 ference adjourns.

15 (b) RESPONSE TO PROPOSED REPORT.—The Sec-
16 retary shall solicit recommendations about and other com-
17 ments on the proposed report, to be submitted not later
18 than 180 days after the publication of the report. The Sec-
19 retary shall request that the chief executive officers of the
20 States submit to the Secretary, not later than 180 days
21 after receiving the proposed report, their views and find-
22 ings on the proposed report.

23 (c) FINAL REPORT.—Not later than 90 days after
24 receiving the comments, and the views and findings of the

1 chief executive officers of the States, under subsection (b),
2 the Secretary shall—

3 (1) prepare a final report of the Conference,
4 which shall include—

5 (A) a statement of the policy and rec-
6 ommendations of the Conference;

7 (B) a compilation of the comments, and
8 the views and findings of the chief executive of-
9 ficers of the States; and

10 (C)(i) the recommendations of the Sec-
11 retary for a comprehensive coherent national
12 policy on State child welfare systems (including
13 the courts involved), after taking into consider-
14 ation the comments, views, and findings; and

15 (ii) the recommendations of the Secretary
16 for the administrative and legislative action nec-
17 essary to implement the recommendations de-
18 scribed in clause (i); and

19 (2) publish the final report in the Federal Reg-
20 ister and transmit the report to the President and
21 to Congress.

22 **SEC. 8. DEFINITIONS AND REFERENCES.**

23 (a) DEFINITIONS.—In this Act:

24 (1) SECRETARY.—The term “Secretary” means
25 the Secretary of Health and Human Services.

1 (2) STATE.—The term “State” means any of
2 the several States, the District of Columbia, the
3 Commonwealth of Puerto Rico, Guam, American
4 Samoa, the United States Virgin Islands, and the
5 Commonwealth of the Northern Marianas.

6 (b) REFERENCES.—In this Act, a reference to a child
7 welfare system of a State includes a reference to a child
8 welfare system of a tribal government.

9 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—There is authorized to be appro-
11 priated \$10,000,000 to carry out this Act.

12 (b) LIMITATION ON APPROPRIATIONS.—Authority
13 provided in this Act to make expenditures or to enter into
14 contracts under which the United States is obligated to
15 make outlays shall be effective only to the extent that
16 amounts are provided, and only to the extent of the
17 amounts provided, in advance in appropriations Acts.

○