

Nicole R. Rabner

12/05/99 01:56:47 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: foster care bill signing

Good news. We have a near-final date for the bill signing ceremony for the Foster Care Independence Act of 1999 -- December 14 in the afternoon (likely around 4pm). We have not yet internally discussed much less finalized the plans for this event, but I suspect it will be in Presidential Hall (450 OEOB), which would mean that we would have the opportunity to invite those who were important to the bill's passage and those who will be important to its effective implementation. Why don't we try to have a brief conference call tomorrow afternoon, at say 4:30pm, to touch base on the planning. Ruby, will you please get a conference call number and send it to those on this e-mail list? Thanks.

Among the issues we should consider are:

(1) Lists. I have a list of recommended advocates and foundation people from some advocacy groups (principally CWLA and Casey), which I would like to share and discuss with ACF -- Pat, should I send this to you? We also need to think about other important stakeholders -- Irene and Laura, have you developed a short list of recommended invites from the Filipino Veterans groups? Mary has already submitted a list of members and congressional staff -- will you send that again by e-mail, please? Liz, will you coordinate the HHS staff list (to be handled by WH Cabinet Affairs)?

(2) Program. The CWLA and Casey have offered to help get some young people who have aged out of foster care here for potential speakers and/or validators. They did this with much success at the January event on this topic with the First Lady, and I'm inclined to work with them on it. Any suggestions anyone has would be welcome, however.

(3) New items. Liz, I spoke with Tim Westmoreland at your suggestion, and he thought that it was not a problem to issue an HHS letter urging states to take up the Medicaid option in the bill for issuance on the date of the signing -- I defer to you and Melissa/Ellen on what kind of letter that should be, e.g. Shalala letter to the Governors or a HCFA letter to the state Medicaid directors, but I think it is important to have some action that day that promotes the bill's implementation. Liz, you had mentioned that you were going to discuss this with Melissa to gauge what could/should be done. Also, Pat and Emil, will you please consider what other items might be available for release on this occasion -- coming to my mind is a report on best practices in Independent Living programs that ACF commissioned over a year ago. Is it ready for release? (Mrs. Clinton announced it when she spoke at the 4-H center to a group of foster youth last year.) Do you have any other ideas of affirmative steps toward effective implementation?

I look forward to touching base tomorrow.

Nicole

Message Sent To: _____

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JOHN D. ROCKFELLER IV
WEST VIRGINIA

United States Senate

WASHINGTON, DC 20510-4802

FAX COVER SHEET

Office of Senator John D. Rockefeller IV

**531 Hart Senate Building
Washington DC, 20510-4802**

Phone: 202-224-6472

Fax: 202-224-7665

456-5199

TO: Nicole Rabner

OFFICE: Anne Leary
Office of the First Lady

FROM: Sue Balleau

DATE: 11/4/99

OF PAGES:
(INCLUDING COVER) 5

MESSAGE:

Adoption Angel Journal

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Angels in Adoption Nomination Form

Name of Angel(s) ^① Laurence and Jane Leech
Profession Adoptive parents
Address Shady Spring
Raleigh County, WV

Reason for Nomination please see attached

Please feel free to attach any articles or supplementary material you would like to share.

Member submitting nomination Senator Rockefeller
Staff contact Sue Beckman / Address 531 Hart
Barbara Pryor

Fax this form to Kerry Marks at 224-9735 by November 3, 1999, 5 p.m.

Also # 2 = Judge Gary Johnson - see attached

Adoptive Family

**Laurence David (Larry) and Jane Theresa Leech
Shady Spring, Raleigh County, West Virginia**

Jane and Larry Leech have been involved in foster parenting for many years while they were stationed in England and Washington state. They moved to West Virginia in the early 1990s. Working with the West Virginia Department of Health and Human Resources, the Leeches adopted a sibling group of three young boys, twins age 4 and an older brother age 6 in November 1998. Again working with the state, the Leeches are now in the final stages of adopting another sibling group of 3 older girls. Mr. And Mrs. Leech also have three biological children - a son age 25, and two daughters ages 22 and 20 which means they have a grand total of 9 children. This family has a huge amount of love and a strong commitment to all their children. Recently, the Leeches and their children visited the Governor's mansion where they were honored by First Lady, Hovah Underwood for their commitment to children in need.

Judge Gary Johnson

28th Judicial circuit judge elected in 1992, Judge Johnson's philosophy is that all children in the foster care system need to achieve permanency. He has a very good relationship with the West Virginia Department of Health and Human Resources that includes quarterly meetings with Department staff to review problems or identify issues that may arise in the future. Judge Johnson has also attended meetings sponsored by the Child Welfare League of America on child welfare issues with Department administrative staff.

Congress of the United States

Washington, DC 20510

October 28, 1999

Dear Colleague:

In a few short days, we will begin the celebration of National Adoption Month. As you may know, the month of November has annually been proclaimed a time not only to celebrate the remarkable progress made in promoting adoption but also to ensure that the needs of the still waiting children and adoptive families are heard. We strongly encourage you to make a special effort to plan programs, activities, or public service announcements that highlight for your communities what a miracle adoption truly is.

To assist in your planning, the Congressional Coalition on Adoption will provide your office with a copy of the National Adoption Awareness Month Guide. In it you will find information on how individuals and groups can help celebrate adoption in their communities in November and year round. We hope that you find this information useful and put it to work as soon as possible.

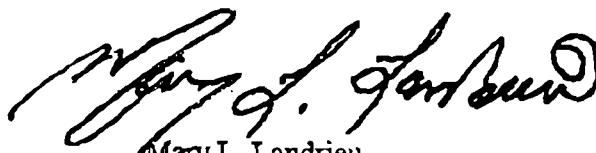
In an effort to promote adoption on a National level, the Congressional Coalition on Adoption is pleased to invite you to participate in our "Angels in Adoption" Campaign. Attached you will find a nomination form to use in nominating someone from your state or district whom you believe has made a difference in adoption. The purpose of this award is to raise public awareness of the diversity of those who impact the lives of children and families through adoption. Therefore, a nominee can be anyone you feel deserves to be recognized: an adoptive parent, adopted child, social worker, judge, attorney, doctor or nurse, police officer, foster care youth, teacher, or child advocate, to name just a few.

All those nominated will receive recognition. A press conference will be held on Wednesday, November 10, 1999, during which we will announce the names of the awardees, and we would be pleased to have you join us to announce the awardee you nominated.

If we can provide any assistance or information to you on adoption, the Congressional Coalition on Adoption, or any of the matters in this letter, please feel free to contact us or any of our four offices.



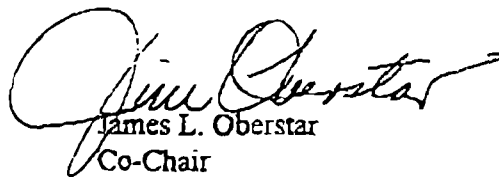
Larry B. Craig
Co-Chair



Mary L. Landrieu
Co-Chair



Tom J. Bliley
Co-Chair



James L. Oberstar
Co-Chair

Adoptive Family - Tony & Diane Parog

Bert Anthony (Tony) & Diane Parog of Hurricane are an outgoing couple who have provided a nurturing and loving home to the special-needs children they have adopted. The Parog's first adopted a young girl with special needs in 1985. In 1994, the Parog's family grew again when they adopted another young girl with special needs. The Parog's have now extended their family to a young boy whose adoption was just finalized in October 1999. Tony and Diane have provided a safe and loving home for three children who were searching for a family.

Judge - Gary Johnson

28th Judicial circuit judge elected in 1992. Judge Johnson's philosophy is that all children in the foster care system need to achieve permanency. He has a very good relationship with the West Virginia Department of Health and Human Resources that includes quarterly meetings with Department staff to review problems or identify issues that may arise in the future. Judge Johnson has also attended meetings sponsored by the Child Welfare League of America on child welfare issues with Department administrative staff.

*Very sad
it is the
same guy
you thought
it was*

JOHN D. ROCKEFELLER IV
WEST VIRGINIA

United States Senate
WASHINGTON, DC 20510-4802

FAX COVER SHEET

Office of Senator John D. Rockefeller IV
531 Hart Senate Building
Washington DC, 20510-4802

Phone: 202-224-6472
Fax: 202-224-7665

TO:

Nicole

OFFICE:

FROM:

Barbara

DATE:

OF PAGES:
(INCLUDING COVER)

MESSAGE:

See p. 2

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Analysis of Foster Care Independence Act of 1999 as passed by both Houses of Congress, November, 1999

The Foster Care Independence Act of 1999 was passed by both Houses of Congress last week before the holiday recess began. The bill that reached final passage could have been worse, but we're not sure how.

Prior to passage, virtually everything in the bill that created incentives for permanence for adolescents in foster care was taken out. Indeed, as passed, the bill reinforces already powerful disincentives to permanence for teenagers.

More importantly, while any meaningful accountability for service providers was removed from the bill, it does contain provisions which impose greater burdens on foster and adoptive parents. This turn of events is ironic as well, coming as it does just days after the General Accounting Office, the investigative arm of Congress, pronounced Independent Living programs largely unaccountable and ineffectual. How ironic that a Congress obsessed with promoting family values apparently cares little about promoting families and accountability for those children who most need both.

SECTION BY SECTION ANALYSIS:

The final bill doubles the money available to independent living programs and pays lip service to children.

Section 101 amends Section 477 of the Social Security Act (42 U.S.C. 677). As amended 477(a) identifies the children intended to benefit from the "John Chafee Foster Care Independence Program" as "children who are likely to remain in foster care until 18 years of age." Consequently, children who are adopted from foster care at any age before 19 are ineligible for the program. Inclusion of adopted children in the program will result in mandatory penalties of between 1% and 5% of the State's Federal independent living funds. Section 477(d) requires that the funds be used in a "manner that is reasonably calculated to accomplish the purposes of [section 477]."

The Secretary of HHS must approve any plan that specifies how the State intends to "Design and deliver programs to achieve the purposes of [section 477]." Sec. 477(b)(2)(A). While the plan must "Ensure that the programs serve children of various ages and at various stages of achieving independence," children who have achieved independence or been adopted are not included. Sec. 477(b)(2)(C). If program funds are used purposes other than those permitted in the State plan, "the Secretary shall assess a penalty against the State in an amount equal to not less than 1 percent and not more than 5 percent of the amount [allotted to the State]." Sec. 477(e)(1). The Secretary is without discretion in the assessing of the minimum penalty.

This language is clearly consistent with Rep. Tom Bliley's communication to the Republican leadership that children adopted from foster care should not be eligible for any assistance. Rep. Bliley represents the National Council For Adoption (NCFA), a trade association which represents fee charging agencies which place healthy white babies and international adoptees. Bill Pierce, President of NCFA stated their position in a briefing arranged by Rep. Nancy Johnson's committee staff, "My fee charging agencies with healthy white babies can't compete with black children with subsidy."

Section 477 as amended by the bill requires HHS to give the States the funds, so long as, the State plan is submitted before June 30 of the calendar year the funds are for and has the required contents. Sec. 477(b)(4). Any discretion the Secretary previously had to evaluate the State plan or require modifications is eliminated by the bill. The States may unilaterally amend their plans and implement the amendments without prior notice to HHS. Sec. 477(b)(5).

Section 477 allots funds to the States based on the State's percentage of children in foster care nationally without regard for the number of children included in independent living programs. Sec. 477(c). As a

result, States have a new financial incentive to retain children in foster care and deny them access to adoption.

Section 477 also imposes a penalty for failure to provide data requested by HHS. Sec. 477(e)(2). HHS is not, however, required to develop a plan for data collection until after October 1st, 2001. No penalty may be imposed on a State until the plan is implemented by HHS. Sec. 477(e)(2). No penalty is imposed or incentive offered to ensure HHS implementation of a data collection plan. Based on HHS's record with SACWIS and APCARS, we should expect to see a data plan implemented in 2010. The data collection plan is only required to address those children who are selected by the States to participate in the program and who voluntarily agree to participate. Sec. 477(f)(1)(B)(i). Predictably this data collection proposal can be expected to increase "creaming."

No penalties are provided for false certifications, programs which fail to reach all children aging out of care, or incompetence.

Section 111 of the bill increases the amount of assets a child may have for determining title IV-E eligibility to \$10,000.

Section 112 mandates increased training for foster parents and imposes a continuing education requirement on foster parents.

Section 121 permits States the option of providing Medicaid coverage to children who age out of care at or after age 18 but before age 22. Children who are adopted or who are emancipated before age 18 are ineligible. Sec. 1905(v)(1)(B), 42 U.S.C. 1396d. No incentive is provided to the States to extend Medicaid to any of the children.

Section 131 provides a one time increase in the funds available for adoption incentive payments under the Adoption and Safe Families Act, however, the increase may be used and consumed by bonuses earned for fiscal year 1999. Consequently, no incentive is provided to increase adoptions in future years.

The remainder of the bill is restricted to new provisions for detecting and punishing Social Security fraud and providing veterans benefits to Filipinos, who fought in American units during WWII.

WHAT THE FINAL BILL LEFT OUT

The final bill has no required outcome measures and no means for rewarding good outcomes or punishing bad outcomes. The Grassley outcome measures which would have required incremental improvements in outcomes for foster children were deleted, but will be included in upcoming legislation.



The final bill fails to protect teenagers adopted from foster care against loss of benefits. Senator Rockefeller deleted the non-discrimination language he had previously agreed to: Non-discrimination provisions will be included in upcoming legislation, which will prohibit discrimination against children adopted after age 14.

The final bill fails to include independent foster care review or any form of independent oversight. The amendments which would have incorporated NAFCR standards for foster care review were deleted. Incentives for independent foster care review will be included in upcoming legislation.

This is no victory for children. Having taken children and families hostage, this is yet another victory for the bloated, unresponsive, unaccountable child welfare establishment.


Laura Efurd

12/02/99 08:30:11 AM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP@EOP
cc: Irene Bueno/OPD/EOP@EOP
Subject: Letter to the First Lady

Nicole, just thought you might want to see a copy of this letter that was sent to the First Lady from the American Coalition for Filipino Veterans regarding the Foster Care bill.

----- Forwarded by Laura Efurd/WHO/EOP on 12/02/99 08:28 AM -----



Eric Lachica <elachica@idt.net>
12/02/99 01:39:53 AM

Please respond to elachica@idt.net

Record Type: Record

To: Laura Efurd/WHO/EOP
cc:
Subject: Letter to the First Lady

Laura,

FYI: We faxed this letter to the First Lady's office this afternoon.

Thank again for the assistance...
Eric

American Coalition for Filipino Veterans, Inc.
2500 Mass. Avenue NW · Washington, D.C. 20008
Phone: 202 246-1998 Fax: 301 963-1720

December 1, 1999

The Honorable Hillary Rodham Clinton
The First Lady
The White House
Washington, D.C. 20500
FAX: 202 456-6244
Attn: Scheduling or Correspondence

RE: H.R. 3443 "Foster Care Act" Bill Signing and Filipino American WWII

Veterans

Dear Mrs. Clinton:

In behalf of our nationwide coalition of Filipino American veterans and community leaders of 2,000 members, may we again express our deep appreciation for your generous remarks in New York City on October 16 in support of our elderly WWII veterans.

In this regard, may we request you to look into the prospects of a presidential bill signing ceremony for the bill, H.R. 3443, the "Foster Care Independence Act" that passed by unanimous consent in Congress on November 19.

As you may know, the bill was introduced by the late Senator John Chafee and was passed by the Senate in memory of his effective bipartisan work in behalf of foster children. Senator Daniel Moynihan was the main Democratic cosponsor along with Sen. John Rockefeller IV.

A humanitarian provision in this bill would allow 7,000 poor and lonely Filipino American WW II veterans to continue to receive 75 PERCENT of their Supplemental Security Income if they choose to return to the Philippines to rejoin their families. These veterans now live in isolation because they are financially unable to petition for their spouses and children to immigrate here.

Moreover, this provision would save U.S. taxpayers at least \$7 Million per year in Medicaid and food stamp expenditures if these American veterans choose to rejoin their families in the Philippines, according to a Congressional Budget Office estimate.

These elderly veterans bravely fought and sacrificed as U.S. soldiers in WWII, just like Sen. John Chafee, in defending our flag and territory. They now deserve the President's compassionate attention, especially before the holiday season.

We would deeply appreciate receiving a reply from your office.

Very sincerely yours,

ERIC LACHICA
Executive Director

PATRICK GANIO Sr.
ACFV President & WWII Veteran

cc: Ms. Loida Nicolas-Lewis, National Federation of Filipino American Association

--

ERIC LACHICA
ACFV Executive Director
2500 Mass. Ave. NW
Washington DC 20008

CLICK on our website:
<http://www.homestead.com/filamvets/equity.html>

November 11, 1999

as of 3:00 p.m.

Supporters of House-Passed Foster Care Independence Act

Alliance for Children & Families
American Academy of Child and Adolescent Psychiatry
American Academy of Pediatrics
American Humane Association
American Psychological Association
Arc, The
Bazelon Center for Mental Health Law
Catholic Charities USA
Center for Adolescent Health & the Law
Child Welfare League of America
Children Awaiting Parents
Children's Defense Fund
Girl Scouts of the USA
County Welfare Directors Association of California
Federation of Families for Children's Mental Health
Lutheran Services of America
National Adoption Center
National Alliance to End Homelessness
National Association of Counsel for Children
National Association of Service and Conservation Corps
National Association of School Psychologists
National Association of Social Workers
National CASA Association
National Center for Youth Law
National Coalition for the Homeless
National Collaboration for Youth **
National Council of Juvenile and Family Court Judges
National Education Association
National Foster Parent Association
National Health Care for the Homeless Council
National Independent Living Association
National Mental Health Association
National Network for Youth
National Priorities Project
North American Council on Adoptable Children
United Church of Christ, Office for Church in Society
Volunteers of America
Youth Law Center

November 11, 1999

as of 3:00 p.m.

Supporters of House-Passed Foster Care Independence Act

**** Consisting of:** Alliance of Children and Families; American Red Cross; Association of Junior Leagues International; Big Brothers Big Sisters of America; Boy Scouts of America; Boys and Girls Clubs of America; Camp Fire Boys and Girls; Child Welfare League of America; Citizen Scholarship Foundation of America; Civil Air Patrol; Coalition for Juvenile Justice; Families, 4-H & Nutrition, Cooperative State Research, Education and Extension Service; Girl Scouts of USA; Girls Incorporated; Hostelling International-American Youth Hostels; Joint Action in Community Service; National 4-H Council; National Mental Health Association; National Network for Youth; National Urban League; The National Mentoring Partnership; The Salvation Army; Save the Children; United Way of America; Volunteers of America; WAVE, Inc.; Women in Community Service; YMCA of the USA; YWCA of the USA.

H.R. 3443, THE "FOSTER CARE INDEPENDENCE ACT OF 1999"

Section-by-Section Summary

Except as otherwise indicated, references in this summary to provisions of law are to the provisions of the Social Security Act.

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

SEC. 101. IMPROVED INDEPENDENT LIVING PROGRAM.

FINDINGS.

Section 101(a) states findings of the Congress as to the importance of independent living programs (ILPs) for children and youths in foster care who cannot be adopted or reunified with their families and for youths under age 21 who have "aged out" of foster care.

IMPROVED INDEPENDENT LIVING PROGRAM.

Section 101(b) renames section 477 (currently "Independent Living Initiatives") the "John H. Chafee Foster Care Independence Program", and amends the section as follows:

SEC. 477. THE JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.

PURPOSE.

Section 477(a) provides that the purposes of the program under section 477 are (1) to identify those likely to remain in foster care until age 18 and to prepare them for self-sufficiency through services such as helping them to obtain a high school diploma, career exploration, vocational training, assistance with job placement and retention, teaching living and financial skills, and preventing disease and substance abuse; (2) to help such adolescents to obtain education and other services needed for employment; (3) to prepare them for post-secondary education; (4) to furnish mentoring services; and (5) to provide financial, housing, and other transitional assistance to former foster care recipients between ages 18 and 21.

APPLICATIONS.

Subsection (b)(1)-(2) permits States to apply for funding for five-year periods by submitting a State plan that specifies, among other things, how the State will design and implement programs to further the purposes of section 477. (Current law requires annual applications for funding.)

Subsection (b)(3) requires certifications by the governor of the State including, among others, that the State will assist young adults who have aged out of foster care at age 18 but have not yet attained age 21; that not more than 30 percent of amounts paid the State will be spent on room and board for such youths; and that the State has established and will enforce anti-fraud and -abuse standards with respect to its ILPs.

Subsection (b)(4) requires the Secretary to approve any application submitted by June 30 of the first calendar year covered by the five-year application if the Secretary finds that the application contains the required items.

ALLOTMENTS TO STATES.

Subsection (c) replaces the current funding formula (which allocates \$70 million among the States annually based on the number of children in each State that received foster care maintenance payments in 1984) to increase the funding and revise the distribution formula. Under the formula as amended, each State with an approved ILP program for a fiscal year is entitled to a share of \$140 million (reduced by the set-aside under subsection (g)), based upon the ratio of foster children in the State to those in the nation, according to the most current available data. No State will be allotted less than the greater of \$500,000 or the amount that it received for its ILP for FY 1998. Other States will sustain that floor by pro rata contributions from amounts allotted to them in excess of their own floors.

USE OF FUNDS.

Subsection (d), unlike current law (which authorizes States to use Federal ILP funds for specified purposes), permits a State to use its allotment in any manner reasonably calculated to accomplish the purposes of section 477, subject to a "supplement, not supplant" provision.

PENALTIES.

Subsection (e) penalizes States, according to the degree of noncompliance, for using allotted funds for unauthorized purposes or failing to satisfy data reporting requirements.

DATA COLLECTION AND PERFORMANCE MEASUREMENT.

Subsection (f) requires the Secretary to develop performance measures for State ILP programs and to identify and collect data relevant to those measures. (This replaces the current requirement for annual State reports to the Secretary on their ILP programs.)

EVALUATIONS.

Subsection (g) requires the Secretary to evaluate innovative and nationally significant State ILP programs; it permits use of up to \$2.1 million of program funding for each fiscal year for evaluation, technical assistance, performance measurement, and data collection.

LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

Subsection (h) authorizes appropriations of \$140 million for each fiscal year for payments to States under section 474(a)(4) (as amended by section 101(c) of the bill) for their ILP programs under section 477.

PAYMENTS TO STATES.

Section 101(c) amends section 474(a)(4) to revise the formula for payments to States for their ILP programs under section 477. Under current law, a State receives for each fiscal year (on the basis of the State's share of total numbers of children in foster care in 1984), in quarterly installments, (1) a share of \$45 million (not subject to matching requirements) plus (2) a share of \$25 million subject to a 50 percent local matching requirement. Under section 474(a)(4) as amended, a State will receive the lesser of (1) its share (determined on the basis of current data on children in foster care) of \$140 million, reduced under section 477(g), or (2) 80 percent of ILP expenditures net of any penalties.

REGULATIONS.

Section 101(d) requires the Secretary, by 12 months after enactment of H.R. 3443, to issue any regulations needed to implement the amendments made by section 101.

SENSE OF THE CONGRESS.

Section 101(e) expresses the sense of the Congress that States should provide Medicaid benefits to youths who, having aged out of foster care at 18, have not yet reached age 21.

SEC. 111. INCREASE IN AMOUNT OF ASSETS ALLOWABLE FOR CHILDREN IN FOSTER CARE.

Section 111 amends section 472(a) to provide that, for purposes of determining whether a child is sufficiently needy to be eligible for title IV-E foster care maintenance payments, a State shall disregard assets of the child not exceeding \$10,000 in value (rather than the \$1000 limit under current law).

SEC. 112. PREPARATION OF FOSTER PARENTS TO PROVIDE FOR THE NEEDS OF CHILDREN IN STATE CARE.

Section 112 amends section 471(a) (which sets forth the State plan requirements for foster care and adoption assistance) to require States to certify that they will train prospective foster parents to provide for a foster child's needs before placement, and will furnish any necessary continuing education after placement.

SEC. 121. STATE OPTION OF MEDICAID COVERAGE FOR ADOLESCENTS LEAVING FOSTER CARE.

Section 121 makes amendments to the Medicaid statute under title XIX to permit State Medicaid plans to cover individuals who, having aged out of foster care at age 18, have not yet reached age 21, and whose assets, resources, and income do not exceed certain levels. A State may further limit the class of such eligibles to those who were receiving foster care maintenance payments prior to their eighteenth birthday. Section 1905 is amended to add a definition of these children as "independent foster care adolescents"; section 1902(a)(10)(a)(ii) is amended to make these individuals an "optional categorically needy" eligibility group.

SEC. 131. INCREASED FUNDING FOR ADOPTION INCENTIVE PAYMENTS.

Section 131 amends section 473A (Adoption Incentive Payments) to direct the Secretary to make supplemental adoption incentive grants to compensate States that were eligible for incentive payments in FY 1999 for performance in FY 1998, but whose incentive payments were reduced pro rata under section 473A(d)(2) due to insufficient appropriations to pay the full incentive amount. This section also authorizes appropriations for this purpose through FY 2003.

TITLE III—CHILD SUPPORT

SEC. 301. NARROWING OF HOLD HARMLESS PROVISION FOR STATE SHARE OF DISTRIBUTION OF COLLECTED CHILD SUPPORT.

Section 301 amends section 457(d) (which specifies the minimum amount of child support collections in a fiscal year that a State is to retain to reimburse itself for cash assistance paid to families). Current law entitles States to retain at least as much as they received in FY 1995. The amended provision ensures a State half of the shortfall from such FY 1995 receipts, if the State (1) has distributed, to families including an adult receiving TANF assistance under title IV-A, at least 80 percent of current support collected, and has disregarded those amounts in determining TANF eligibility; or (2) has distributed to families that formerly received either AFDC or TANF the State share of Federal tax refund offsets that the State could have retained to reimburse itself for cash assistance to the families.

TITLE IV—TECHNICAL CORRECTIONS**SEC. 401. TECHNICAL CORRECTIONS RELATING TO AMENDMENTS MADE BY
THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY
RECONCILIATION ACT OF 1996.**

Section 401 makes technical amendments to the 1996 welfare reform law.

TO The Secretary
 Through DS _____
 COS _____
 ES _____

FR: Richard J. Tarplin
 Assistant Secretary for Legislation

RE: Telephone Call to Senator Herb Kohl (D-WI) Regarding Senate Action on the
 Foster Care Independence Act of 1999.

You are scheduled to call Senator Herb Kohl to urge him to support a Unanimous Consent Agreement on S. 1327, the Foster Care Independence Act of 1999, sponsored by Senators Chafee (R-RI), Rockefeller (D-WVA) and others.

BACKGROUND

As you know, a key Administration legislative priority this year is the enactment of legislation to strengthen the federal Title IV-E Independent Living program in order to help the approximately 20,000 youth who age out of foster care each year. In March, you submitted the Administration's Independent Living proposal to Congress, and the House passed its Foster Care Independence Act of 1999 (H.R. 1802) sponsored by Representatives Johnson (R-CT) and Cardin (D-MD) on June 25 by an overwhelming vote of 380 to 6. The House bill doubles the funding for the Independent Living program (to \$140 million per year), thus allowing educational, vocational and job training services for a greater number of the 20,000 youth who age out of foster care each year, and, very importantly, it provides Medicaid for these youth until they are 21. This is on the first expansion in Medicaid eligibility in some time.

On July 1, Senators Chafee, Rockefeller and others introduced their version of this important legislation (S. 1327) and, at our urging, are attempting to move it through the Senate by Unanimous Consent before Congress goes home. After a very effective Finance Committee hearing on the issue last week and lots of intense staff work, Chairman Roth (R-DE) has now agreed to support the bill and has endorsed its movement to the Senate floor on UC. Unfortunately, Senator Kohl (D-WI) has placed on hold on the bill.

Senator Kohl has serious concerns about the repeal of the child support hold harmless provision that is being used to pay for a portion of the Independent Living bill. For the last two years, the President's budget has proposed the repeal of the child support hold harmless provisions initially enacted under the Personal Responsibility and Work Opportunity Reconciliation Act

(PRWORA) of 1996. We believe the hold harmless provision no longer serves its intended purpose and represents an unnecessary windfall for a handful of states, including Wisconsin (See attached). Its repeal will not have a negative impact on children or families, and states will continue to have ample federal funding support for their child support programs. It is true, however, that the repeal of the hold harmless will reduce federal child support funding to Wisconsin by approximately \$8 million per year. This is more than the state will gain through increased Independent Living funding under the bill.

As you know, finding offsets for new spending is always difficult. While the states in general and Governor Tommy Thompson in particular are not happy with the repeal of the hold harmless provision, the repeal was proposed by the Administration and is very strongly supported by Representatives Johnson and Cardin as well as Senators Chafee and Rockefeller. Even Representative DeLay (D-TX) is a staunch supporter of the bill with its offset. Without this offset, we would not be able to fully finance the very important educational, training and Medicaid provisions of the Independent Living bill. The Senate Finance Committee staff has been working closely with Kohl and Thompson's staff to try to find other offsets in order to somewhat ameliorate the impact of this repeal on Wisconsin. Despite their best efforts, however, they have been unable to accomplish this.

RECOMMENDATION AND TALKING POINTS

With the gathering bipartisan momentum for quick Senate action on S. 1327, it would be extremely unfortunate to lose this important opportunity to move the bill before Congress adjourns. We therefore recommend that you call Senator Kohl and urge him to drop his opposition to a UC agreement on S. 1327. The following talking points are suggested:

- I'm calling to urge your strong support for the Foster Care Independence Act that Senators Rockefeller and Chafee trying to move to the floor before you go home. This is a very important bill for the Administration and especially for some of the most vulnerable kids in this country -- those kids who are left totally on their own at age 18 after their foster care payments end.
- I know that you and Governor Thompson have concerns about the repeal of the child support hold harmless provisions that is being used to help pay for this bill, but we can't let the bill die over these concerns. This provision, together with the drastic decline in welfare caseloads has given Wisconsin a bit of a windfall. I understand you'd like to keep it, but we can no longer justify the policy, especially in light of our other spending priorities.
- I'm hoping you will drop your hold on this bill and allow it to be taken up on the Senate floor this week under UC. We don't get these opportunities too often and we really need to get this done before Congress leaves.



Child Welfare League of America Public Policy Department

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Fax

To: Nicole Rabner

From: Public Policy Department

Date: 12/7

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Agency:

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Number of pages (including cover sheet): 4

COMMENTS:

11/29 memo



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November 29, 1999

MEMORANDUM

TO: Nicole Rabner
FROM: Karabelle Pizzigati
RE: Foster Care Independent Living Event

We are very pleased that the White House is considering hosting an event to celebrate the passage of the Foster Care Independence Act of 1999 and to encourage speedy implementation. We want to thank you for all the Administration did throughout the year to make the legislation a reality. The First Lady and Mrs. Gore's public endorsement of the initiative at the event last January was instrumental in providing supporters with the high level recognition and boost they needed to motivate nationwide efforts on the legislation.

A list of suggested invitees is being forwarded under separate cover.

Purpose of Event:

1. Public recognition of the Administration and Congressional supporters for all their work.
2. The announcement by the President/First Lady/Secretary Shalala of the formation or the renewal of interagency collaborative work in the following areas:
 - a) Health care — Extension of benefits under Medicaid and CHIP
 - b) Housing — E.g., designation of two hundred Section 8 certificates
 - c) Employment — Workforce investment activities by Department of Labor with specific inclusion of emancipating foster youth for work opportunities as well as part of Youth Advisory Councils
 - d) Education — Coordination with school to work activities, 21st Century Schools and IDEA programs
 - e) Mentoring/ OJJDP—E.g., Expressed inclusion of foster youth in mentoring efforts.
3. The issuance of a challenge by the President/First Lady/Secretary Shalala to the states to implement the legislation thoughtfully and rapidly, with a strong focus on positive outcomes for youth.
4. The raising of public awareness about the issues surrounding foster care and the young people who "age out" of the system.

Messages:

- The Foster Care Independence Act takes a big step toward improving lives of young people transitioning into adulthood.
- The new John H. Chafee Foster Care Independent program will create opportunities for states to:
 - Customize independent living services to the needs of diverse foster youth.
 - Provide to those youth a stronger continuum of services, including health care, housing, and mentoring.
 - Support a more intensive level of preparation in critical life skills and employment.
 - Help connect youth in foster care to what they need to achieve successful adulthood.
 - Increase accountability so that young people in transition know they have somewhere to turn and that promises made will be kept.
- Our work has just begun! Now it is up to the states and many partners, including health professionals, educators, business and media leaders, to implement the legislation fully—to make it work
- The end of foster care is not the end of caring.

Suggested speakers:

President Clinton

The First Lady

Secretary Shalala

1-2 Former foster youths chosen from key states — CA, TX, MD, CT, ME, WV, RI, MS

1-2 Congressional supporters — Rep. Tom DeLay, Rep. Nancy Johnson, Rep. Ben Cardin, Sen. Jay Rockefeller, Sen. Lincoln Chafee, Sen. Susan Collins, Sen. Kit Bond

Governor from a key state that is actively moving forward with a health care, housing, and education agenda consistent with the new legislation — MO, MN, ME, MD, SC, CA, CT, AZ

Should be publicly recognized for work on legislation:

National Foster Parents Association

Child Welfare League of America

Children's Defense Fund

Adoption advocate — e.g., Joe Kroll

National Conference of State Legislators

National Conference of Juvenile and Family Court Judges

National CASA (Court-Appointed Special Advocates)

Should be publicly recognized for raising national awareness about the needs of young people who transition from care:

The Casey Family Program
The Annie E. Casey Foundation
Benton Foundation
The David and Lucile Packard Foundation
National Resource Center for Youth Services (federally funded center in Oklahoma)
National Foster Care Awareness Project
Carol Williams

Additional Spokespersons:

Former foster youth from Youth Involvement Project (23)—including California Youth Connection

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