

1 **DIVISION X—SUPPORTING FOS-**
2 **TER YOUTH AND FAMILIES**
3 **THROUGH THE PANDEMIC**

4 **SEC. 1. SHORT TITLE.**

5 This division may be cited as the “Supporting Foster
6 Youth and Families through the Pandemic Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) COVID–19 PUBLIC HEALTH EMERGENCY.—

10 The term “COVID–19 public health emergency”
11 means the public health emergency declared by the
12 Secretary pursuant to section 319 of the Public
13 Health Service Act, entitled “Determination that a
14 Public Health Emergency Exists Nationwide as the
15 Result of the 2019 Novel Coronavirus”.

16 (2) COVID–19 PUBLIC HEALTH EMERGENCY

17 PERIOD.—The term “COVID–19 public health emer-
18 gency period” means the period beginning on April
19 1, 2020 and ending with September 30, 2021.

20 (3) SECRETARY.—The term “Secretary” means

21 the Secretary of Health and Human Services.

22 **SEC. 3. CONTINUED SAFE OPERATION OF CHILD WELFARE**

23 **PROGRAMS AND SUPPORT FOR OLDER FOS-**

24 **TER YOUTH.**

25 (a) FUNDING INCREASES.—

1 (1) INCREASE IN SUPPORT FOR CHAFEE PRO-
2 GRAMS.—Out of any money in the Treasury of the
3 United States not otherwise appropriated, there are
4 appropriated \$400,000,000 for fiscal year 2021, to
5 carry out section 477 of the Social Security Act, in
6 addition to any amounts otherwise made available
7 for such purpose.

8 (2) EDUCATION AND TRAINING VOUCHERS.—Of
9 the amount made available by reason of paragraph
10 (1) of this subsection, not less than \$50,000,000
11 shall be reserved for the provision of vouchers pursu-
12 ant to section 477(h)(2) of the Social Security Act.

13 (3) APPLICABILITY OF TECHNICAL ASSISTANCE
14 TO ADDITIONAL FUNDS.—

15 (A) IN GENERAL.—Section 477(g)(2) of
16 the Social Security Act shall apply with respect
17 to the amount made available by reason of
18 paragraph (1) of this subsection as if the
19 amount were included in the amount specified
20 in section 477(h) of such Act.

21 (B) RESERVATION OF FUNDS.—

22 (i) IN GENERAL.—Of the amount to
23 which section 477(g)(2) of the Social Secu-
24 rity Act applies by reason of subparagraph
25 (A) of this paragraph, the Secretary shall

1 reserve not less than \$500,000 to provide
2 technical assistance to a State imple-
3 menting or seeking to implement a driving
4 and transportation program for foster
5 youth.

6 (ii) PROVIDER QUALIFICATIONS.—The
7 Secretary shall ensure that the entity pro-
8 viding the assistance has demonstrated the
9 capacity to—

10 (I) successfully administer activi-
11 ties in 1 or more States to provide
12 driver’s licenses to youth who are in
13 foster care under the responsibility of
14 the State; and

15 (II) increase the number of such
16 foster youth who obtain a driver’s li-
17 cense.

18 (4) INAPPLICABILITY OF STATE MATCHING RE-
19 QUIREMENT TO ADDITIONAL FUNDS.—In making
20 payments under subsections (a)(4) and (e)(1) of sec-
21 tion 474 of the Social Security Act from the addi-
22 tional funds made available as a result of para-
23 graphs (1) and (2) of this subsection, the percent-
24 ages specified in subsections (a)(4)(A)(i) and (e)(1)

1 of such section are, respectively, deemed to be 100
2 percent.

3 (5) MAXIMUM AWARD AMOUNT.—The dollar
4 amount specified in section 477(i)(4)(B) of the So-
5 cial Security Act through the end of fiscal year 2022
6 is deemed to be \$12,000.

7 (6) INAPPLICABILITY OF NYTD PENALTY TO
8 ADDITIONAL FUNDS.—In calculating any penalty
9 under section 477(e)(2) of the Social Security Act
10 with respect to the National Youth in Transition
11 Database (NYTD) for April 1, 2020, through the
12 end of fiscal year 2022, none of the additional funds
13 made available by reason of paragraphs (1) and (2)
14 of this subsection shall be considered to be part of
15 an allotment to a State under section 477(c) of such
16 Act.

17 (b) MAXIMUM AGE LIMITATION ON ELIGIBILITY FOR
18 ASSISTANCE.—During fiscal years 2020 and 2021, a child
19 may be eligible for services and assistance under section
20 477 of the Social Security Act until the child attains 27
21 years of age, notwithstanding any contrary certification
22 made under such section.

23 (c) SPECIAL RULE.—With respect to funds made
24 available by reason of subsection (a) that are used during
25 the COVID–19 public health emergency period to support

1 activities due to the COVID–19 pandemic, the Secretary
2 may not require any State to provide proof of a direct
3 connection to the pandemic if doing so would be adminis-
4 tratively burdensome or would otherwise delay or impede
5 the ability of the State to serve foster youth.

6 (d) PROGRAMMATIC FLEXIBILITIES.—During the
7 COVID–19 public health emergency period:

8 (1) SUSPENSION OF CERTAIN REQUIREMENTS
9 UNDER THE EDUCATION AND TRAINING VOUCHER
10 PROGRAM.—The Secretary shall allow a State to
11 waive the applicability of the requirement in section
12 477(i)(3) of the Social Security Act that a youth
13 must be enrolled in a postsecondary education or
14 training program or making satisfactory progress to-
15 ward completion of that program if a youth is un-
16 able to do so due to the COVID–19 public health
17 emergency.

18 (2) AUTHORITY TO USE VOUCHERS TO MAIN-
19 TAIN TRAINING AND POSTSECONDARY EDUCATION.—
20 A voucher provided under a State educational and
21 training voucher program under section 477(i) of the
22 Social Security Act may be used for maintaining
23 training and postsecondary education, including less
24 than full-time matriculation costs or other expenses
25 that are not part of the cost of attendance but would

1 help support youth in remaining enrolled as de-
2 scribed in paragraph (1) of this subsection.

3 (3) AUTHORITY TO WAIVE LIMITATIONS ON
4 PERCENTAGE OF FUNDS USED FOR HOUSING ASSIST-
5 ANCE AND ELIGIBILITY FOR SUCH ASSISTANCE.—

6 Notwithstanding section 477(b)(3)(B) of the Social
7 Security Act, a State may use—

8 (A) more than 30 percent of the amounts
9 paid to the State from its allotment under sec-
10 tion 477(c)(1) of such Act for a fiscal year, for
11 room or board payments; and

12 (B) any of such amounts for youth other-
13 wise eligible for services under section 477 of
14 such Act who—

15 (i) have attained 18 years of age and
16 not 27 years of age; and

17 (ii) experienced foster care at 14
18 years of age or older.

19 (4) AUTHORITY TO PROVIDE DRIVING AND
20 TRANSPORTATION ASSISTANCE.—

21 (A) USE OF FUNDS.—Funds provided
22 under section 477 of the Social Security Act
23 may be used to provide driving and transpor-
24 tation assistance to youth described in para-
25 graph (3)(B) who have attained 15 years of age

1 with costs related to obtaining a driver's license
2 and driving lawfully in a State (such as vehicle
3 insurance costs, driver's education class and
4 testing fees, practice lessons, practice hours, li-
5 cense fees, roadside assistance, deductible as-
6 sistance, and assistance in purchasing an auto-
7 mobile).

8 (B) MAXIMUM ALLOWANCE.—The amount
9 of the assistance provided for each eligible
10 youth under subparagraph (A) shall not exceed
11 \$4,000 per year, and any assistance so provided
12 shall be disregarded for purposes of deter-
13 mining the recipient's eligibility for, and the
14 amount of, any other Federal or federally-sup-
15 ported assistance, except that the State agency
16 shall take appropriate steps to prevent duplica-
17 tion of benefits under this and other Federal or
18 federally-supported programs.

19 (C) REPORT TO THE CONGRESS.—Within
20 6 months after the end of the expenditure pe-
21 riod, the Secretary shall submit to the Congress
22 a report on the extent to which, and the man-
23 ner in which, the funds to which subsection
24 (a)(3) applies were used to provide technical as-
25 sistance to State child welfare programs, mon-

1 itor State performance and foster youth out-
2 comes, and evaluate program effectiveness.

3 **SEC. 4. PREVENTING AGING OUT OF FOSTER CARE DURING**
4 **THE PANDEMIC.**

5 (a) ADDRESSING FOSTER CARE AGE RESTRICTIONS
6 DURING THE PANDEMIC.—A State operating a program
7 under part E of title IV of the Social Security Act may
8 not require a child who is in foster care under the respon-
9 sibility of the State to leave foster care solely by reason
10 of the child’s age. A child may not be found ineligible for
11 foster care maintenance payments under section 472 of
12 such Act solely due to the age of the child or the failure
13 of the child to meet a condition of section 475(8)(B)(iv)
14 of such Act before October 1, 2021.

15 (b) RE-ENTRY TO FOSTER CARE FOR YOUTH WHO
16 AGE OUT DURING THE PANDEMIC.—A State operating a
17 program under the State plan approved under part E of
18 title IV of the Social Security Act (and without regard
19 to whether the State has exercised the option provided by
20 section 475(8)(B) of such Act to extend assistance under
21 such part to older children) shall—

22 (1) permit any youth who left foster care due
23 to age during the COVID–19 public health emer-
24 gency to voluntarily re-enter foster care;

1 (2) provide to each such youth who was for-
2 mally discharged from foster care during the
3 COVID–19 public health emergency, a notice de-
4 signed to make the youth aware of the option to re-
5 turn to foster care;

6 (3) facilitate the voluntary return of any such
7 youth to foster care; and

8 (4) conduct a public awareness campaign about
9 the option to voluntarily re-enter foster care for
10 youth who have not attained 22 years of age, who
11 aged out of foster care in fiscal year 2020 or fiscal
12 year 2021, and who are otherwise eligible to return
13 to foster care.

14 (c) PROTECTIONS FOR YOUTH IN FOSTER CARE.—
15 A State operating a program under the State plan ap-
16 proved under part E of title IV of the Social Security Act
17 shall—

18 (1) continue to ensure that the safety, perma-
19 nence, and well-being needs of older foster youth, in-
20 cluding youth who remain in foster care and youth
21 who age out of foster care during that period but
22 who re-enter foster care pursuant to this section, are
23 met; and

24 (2) work with any youth who remains in foster
25 care after attaining 18 years of age (or such greater

1 age as the State may have elected under section
2 475(8)(B)(iii) of such Act) to develop, or review and
3 revise, a transition plan consistent with the plan re-
4 ferred to in section 475(5)(H) of such Act, and as-
5 sist the youth with identifying adults who can offer
6 meaningful, permanent connections.

7 (d) AUTHORITY TO USE ADDITIONAL FUNDING FOR
8 CERTAIN COSTS INCURRED TO PREVENT AGING OUT OF,
9 FACILITATING RE-ENTRY TO, AND PROTECTING YOUTH
10 IN CARE DURING THE PANDEMIC.—

11 (1) IN GENERAL.—Subject to paragraph (2) of
12 this subsection, a State to which additional funds
13 are made available as a result of section 3(a) may
14 use the funds to meet any costs incurred in com-
15 plying with subsections (a), (b), and (c) of this sec-
16 tion.

17 (2) RESTRICTIONS.—

18 (A) The costs referred to in paragraph (1)
19 must be incurred after the date of the enact-
20 ment of this section and before October 1,
21 2021.

22 (B) The costs of complying with subsection
23 (a) or (c) of this section must not be incurred
24 on behalf of children eligible for foster care
25 maintenance payments under section 472 of the

1 Social Security Act, including youth who have
2 attained 18 years of age who are eligible for the
3 payments by reason of the temporary waiver of
4 the age requirement or the conditions of section
5 475(8)(B)(iv) of such Act.

6 (C) A State shall make reasonable efforts
7 to ensure that eligibility for foster care mainte-
8 nance payments under section 472 of the Social
9 Security Act is determined when a youth re-
10 mains in, or re-enters, foster care as a result of
11 the State complying with subsections (a) and
12 (c) of this section.

13 (D) A child who re-enters care during the
14 COVID-19 public health emergency period may
15 not be found ineligible for foster care mainte-
16 nance payments under section 472 of the Social
17 Security Act solely due to age or the require-
18 ments of section 475(8)(B)(iv) of such Act be-
19 fore October 1, 2021.

20 (e) TERMINATION OF CERTAIN PROVISIONS.—The
21 preceding provisions of this section shall have no force or
22 effect after September 30, 2021.