

117TH CONGRESS
2D SESSION

S. 5051

To amend title IV of the Social Security Act to expand foster parent training and authorize new appropriations to support the obtainment of a driver's license.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Ms. HASSAN (for herself and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title IV of the Social Security Act to expand foster parent training and authorize new appropriations to support the obtainment of a driver's license.

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 “Foster Youth and
5 Driving Act”.

6 **SEC. 2. FOSTER PARENT TRAINING RELATED TO PRE-**
7 **PARING A CHILD TO DRIVE.**

8 Section 471(a)(24) of the Social Security Act (42
9 U.S.C. 671(a)(24)) is amended—

1 (1) by striking “and knowledge and skills” and
 2 inserting “knowledge and skills”; and

3 (2) by inserting before the semicolon at the end
 4 the following: “and, when appropriate to the age or
 5 other circumstance of the child, knowledge and skills
 6 related to preparing the child to drive, including as-
 7 suring opportunity for practice driving hours and as-
 8 sistance in obtaining a driver’s license and auto-
 9 motive insurance and in applying as needed for driv-
 10 ing and transportation assistance as described in
 11 section 477(k)”.

12 **SEC. 3. REQUIREMENT TO INCLUDE A PLAN FOR DRIVING**
 13 **PREPARATION IN CASE PLAN.**

14 Section 475(1) of the Social Security Act (42 U.S.C.
 15 675(1)) is amended—

16 (1) in subparagraph (G)(ii), by moving the
 17 margin for subclause (II) 2 ems to the right; and

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

19 “(H) A plan for assuring that the child,
 20 when appropriate to the age or other cir-
 21 cumstance of the child, receives assistance,
 22 knowledge, and skills related to preparing to
 23 drive, including opportunity for practice driving
 24 hours and assistance in obtaining a driver’s li-
 25 cense and automotive insurance and in applying

1 as needed for driving and transportation assist-
2 ance as described in section 477(k).”.

3 **SEC. 4. DRIVING AND TRANSPORTATION ASSISTANCE PRO-**
4 **GRAM.**

5 (a) PURPOSE.—Section 477(a) of the Social Security
6 Act (42 U.S.C. 677(a)) is amended—

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

9 (2) in paragraph (7), by striking the period at
10 the end and inserting “; and”; and

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

12 “(8) to provide driving and transportation as-
13 sistance to children in foster care and certain former
14 foster care recipients who have attained the appro-
15 priate age and circumstances to begin receiving such
16 assistance.”.

17 (b) DRIVING AND TRANSPORTATION ASSISTANCE.—
18 Section 477 of the Social Security Act (42 U.S.C. 677)
19 is amended by adding at the end the following:

20 “(k) FUNDS FOR DRIVING AND TRANSPORTATION
21 ASSISTANCE.—

22 “(1) IN GENERAL.—The following conditions
23 shall apply to a State driving and transportation as-
24 sistance program under this section:

1 “(A) Assistance under the program shall
2 be available to youth who have experienced fos-
3 ter care at age 14 or older, as described in sub-
4 section (a)(1).

5 “(B) The State may allow youths partici-
6 pating in the assistance program on the date
7 they attain 21 years of age to remain eligible
8 until they attain 26 years of age, as long as the
9 State is satisfied that they are working or en-
10 rolled in a postsecondary education or other
11 employment training program and are making
12 satisfactory progress toward completion of that
13 program.

14 “(C) The assistance provided for an indi-
15 vidual under this section—

16 “(i) may include vehicle insurance
17 costs, driver’s education class and testing
18 fees, practice lessons, practice hours, li-
19 cense fees, roadside assistance, deductible
20 assistance, assistance in purchasing an
21 automobile, and any other costs related to
22 obtaining a driver’s license and driving le-
23 gally in the State; and

24 “(ii) shall not exceed the lesser of
25 \$4,000 per year or the total cost of the

1 items described in clause (i), excluding the
2 cost of a vehicle purchased as part of the
3 program.

4 “(D) The State shall ensure that, in the
5 case of a youth in foster care under the age of
6 18 participating in the assistance program, the
7 youth’s foster parent (if any) may authorize an-
8 other adult to provide any authorization re-
9 quired by the State to be provided by a parent
10 or guardian in order for such a youth to obtain
11 a driver’s license or permit or take driving les-
12 sons.

13 “(E) The State shall work to remove bar-
14 riers to obtaining a driver’s license and appro-
15 priate insurance for youth under the age of 18,
16 such as addressing liability and insurance laws
17 to allow minor youth to more easily obtain a li-
18 cense.

19 “(F) The amount of assistance under this
20 section—

21 “(i) shall not, for purposes of the In-
22 ternal Revenue Code of 1986, be includible
23 in the gross income of the individual with
24 respect to whom such assistance is pro-
25 vided, and

1 “(ii) shall be disregarded for purposes
2 of determining such individual’s eligibility
3 for, or the amount of, any other Federal or
4 federally supported assistance, except that
5 the State agency shall take appropriate
6 steps to prevent duplication of benefits
7 under this and other Federal or federally
8 supported programs.

9 “(G) The State shall coordinate the pro-
10 gram with other appropriate programs, includ-
11 ing those described under subsection (b)(3)(F),
12 to support current and former youth in their
13 transition to adulthood.

14 “(H) The State shall work to streamline
15 processes for communicating program eligibility
16 and shall conduct public awareness efforts to
17 ensure that foster youth are aware of the assist-
18 ance available under the program.

19 “(I) The State agrees to submit such an-
20 nual data to the Secretary as the Secretary may
21 require, including data specifying the number of
22 individuals, of those in foster care or formerly
23 in foster care who have attained from 15 to 26
24 years of age, who (as appropriate to the age
25 and other circumstances of the individual)—

1 “(i) are eligible for a driver’s license;

2 “(ii) have completed a driver’s edu-
3 cation course;

4 “(iii) have completed driver’s training
5 hours;

6 “(iv) have obtained a learner’s permit;

7 “(v) have obtained a driver’s license;

8 “(vi) own a vehicle or otherwise have
9 access to a vehicle to drive; and

10 “(vii) have automotive liability insur-
11 ance.

12 “(2) REPORT.—The Secretary shall annually
13 submit a report to the Committee on Ways and
14 Means of the House of Representatives and the
15 Committee on Finance of the Senate on the State
16 driving and transportation assistance program under
17 this subsection, and shall make such report publicly
18 available. Such report shall include a compilation of
19 the State data submitted to the Secretary under
20 paragraph (1)(I).”

21 (c) CERTIFICATION.—Section 477(b)(3) of the Social
22 Security Act (42 U.S.C. 677(b)(3)) is amended by adding
23 at the end the following:

24 “(L) A certification by the chief executive
25 officer of the State that the State driving and

1 transportation assistance program under this
2 section is in compliance with the conditions
3 specified in subsection (k)(1), including a state-
4 ment describing methods the State will use—

5 “(i) to ensure that the total amount
6 of driving and transportation assistance to
7 a youth under this section and under other
8 Federal and federally supported programs
9 does not exceed the limitation specified in
10 subsection (k)(1)(C)(ii); and

11 “(ii) to avoid duplication of benefits
12 under this and any other Federal or feder-
13 ally assisted benefit program.”.

14 (d) INCREASED AUTHORIZATION OF APPROPRIA-
15 TIONS.—Section 477(h) of the Social Security Act (42
16 U.S.C. 677(h)) is amended—

17 (1) in paragraph (1), by striking “and” at the
18 end;

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

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

22 “(3) an additional \$36,000,000, which are au-
23 thorized to be available for payments to States for
24 driving and transportation assistance in accordance
25 with subsection (k)(1).”.

1 (e) ALLOTMENTS TO STATES.—Section 477(c) of the
2 Social Security Act (42 U.S.C. 677(c)) is amended—

3 (1) by redesignating paragraph (4) as para-
4 graph (5); and

5 (2) by inserting after paragraph (3) the fol-
6 lowing:

7 “(4) DRIVING AND TRANSPORTATION ASSIST-
8 ANCE ALLOTMENT.—

9 “(A) IN GENERAL.—From the amount, if
10 any, appropriated pursuant to subsection (h)(3)
11 for a fiscal year and remaining after the res-
12 ervation described in subparagraph (B), the
13 Secretary may allot to each State with an appli-
14 cation approved under subsection (b) for the
15 fiscal year an amount equal to the State foster
16 care ratio multiplied by the amount so specified.

17 “(B) RESERVATIONS FOR INDIAN TRIBES
18 AND TRIBAL ORGANIZATIONS.—The Secretary
19 shall reserve up to 3 percent of the amount ap-
20 propriated each year pursuant to subsection
21 (h)(3) for payments to Indian tribes and tribal
22 organizations to be used in accordance with
23 subsection (k).”.

24 (f) DISCRETIONARY GRANTS.—Section 474 of the
25 Social Security Act (42 U.S.C. 674) is amended—

1 (1) in subsection (e)(1), by striking “section
2 477(a)(6)” and inserting “section 477(a)(5)”;

3 (2) by redesignating subsections (f) and (g) as
4 subsections (g) and (h), respectively; and

5 (3) by inserting after subsection (e) the fol-
6 lowing:

7 “(f) DISCRETIONARY GRANTS FOR DRIVING AND
8 TRANSPORTATION ASSISTANCE.—From amounts appro-
9 priated pursuant to section 477(h)(3), the Secretary may
10 make a grant to a State with a plan approved under this
11 part, for a calendar quarter, in an amount equal to the
12 lesser of—

13 “(1) 80 percent of the amounts expended by
14 the State during the quarter to carry out programs
15 for the purposes described in section 477(a)(8); or

16 “(2) the amount, if any, allotted to the State
17 under section 477(c)(4)(A) for the fiscal year in
18 which the quarter occurs, reduced by the total of the
19 amounts payable to the State under this subsection
20 for such purposes for all prior quarters in the fiscal
21 year.”.

22 (g) PAYMENTS TO INDIAN TRIBAL ORGANIZA-
23 TIONS.—Section 477 of the Social Security Act (42 U.S.C.
24 677), as amended by subsection (b), is further amended
25 by adding at the end the following:

1 “(1) PAYMENTS TO INDIAN TRIBES AND TRIBAL OR-
2 GANIZATIONS FOR DRIVING AND TRANSPORTATION AS-
3 SISTANCE PROGRAMS.—

4 “(1) IN GENERAL.—An Indian tribe or tribal
5 organization (as such terms are defined for purposes
6 of section 428(c)) which has a plan for child welfare
7 services approved under subpart 1 of part B of this
8 title and which operates a foster care program may
9 apply for an allotment out of any amounts reserved
10 for a fiscal year under subsection (c)(4)(B) to carry
11 out programs for the purposes described in sub-
12 section (a)(8).

13 “(2) APPLICATION.—An Indian tribe or tribal
14 organization desiring an allotment under paragraph
15 (1) of this subsection shall submit an application to
16 the Secretary to directly receive such allotment that
17 includes a plan which—

18 “(A) satisfies such requirements of sub-
19 sections (b)(3) and (k) as the Secretary deter-
20 mines are appropriate in consultation with the
21 tribe or tribal organization;

22 “(B) contains a description of the Indian
23 tribe or tribal organization’s consultation proc-
24 ess regarding the programs to be carried out

1 under the plan with each State in which the In-
2 dian tribe or tribal organization is located; and

3 “(C) contains an explanation of the results
4 of such consultation, particularly with respect
5 to—

6 “(i) determining the eligibility for
7 driving and transportation assistance bene-
8 fits and services of Indian children to be
9 served under the programs to be carried
10 out under the plan; and

11 “(ii) the process for consulting with
12 the State in order to ensure the continuity
13 of such benefits and services for such chil-
14 dren who will transition from receiving
15 such benefits and services under programs
16 carried out under a State plan under sub-
17 section (b)(2) to receiving such benefits
18 and services under programs carried out
19 under a plan under this subsection.

20 “(3) PAYMENTS.—The Secretary shall pay an
21 Indian tribe or tribal organization with an applica-
22 tion approved under this subsection from the allot-
23 ment determined for the Indian tribe or tribal orga-
24 nization under paragraph (4) in the same manner as
25 is provided in section 474(f) with respect to a State,

1 or in such other manner as is determined appro-
2 priate by the Secretary, except that in no case shall
3 an Indian tribe or tribal organization receive a lesser
4 proportion of such funds than a State is authorized
5 to receive under such section.

6 “(4) ALLOTMENT.—From the total amount re-
7 served for a fiscal year under subsection (c)(4)(B),
8 the Secretary shall allot to the Indian tribes or tribal
9 organizations with an application approved under
10 this subsection for that fiscal year an amount based
11 on each Indian tribe or tribal organization’s share of
12 the total tribal child population among all such
13 tribes and tribal organizations with an application so
14 approved.

15 “(5) DATA AND EVALUATION.—The Secretary
16 shall consult with tribes and tribal organizations to
17 determine the tribally relevant data needed to under-
18 stand how the driving and transportation assistance
19 program helps tribal youth and if any policies would
20 improve tribal youth access to drivers’ licenses and,
21 to the extent practicable, the number and demo-
22 graphic data of tribal youth served.

23 “(6) MATCHING REQUIREMENT.—In deter-
24 mining the amounts expended by an Indian tribe or
25 tribal organization for purposes of section 474(f)(1),

1 the Secretary may take into account in-kind expendi-
2 tures of the Indian tribe or tribal organization.”.

3 (h) TECHNICAL ASSISTANCE.—Section 477(g)(2) of
4 the Social Security Act (42 U.S.C. 677(g)(2)) is amend-
5 ed—

6 (1) by striking “the amount specified in sub-
7 section (h)” and inserting “each of the amounts
8 specified in paragraphs (1) and (2) of subsection
9 (h), and up to 5 percent of the amount specified in
10 paragraph (3) of such subsection,”; and

11 (2) by adding at the end the following: “With
12 respect to such reservations of amounts specified in
13 paragraph (3) of subsection (h), the Secretary—

14 “(A) shall consider a higher reservation of
15 funds for initial fiscal years to the extent nec-
16 essary to support States in establishing a new
17 program in each State; and

18 “(B) shall not consider an entity an appro-
19 priate entity unless the entity has demonstrated
20 the capacity to successfully administer a State-
21 mandated program to provide driver’s licenses
22 to youth under the age of 18 who are in State
23 foster care and to increase the number of such
24 foster youth who obtain a driver’s license.”.

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