

116TH CONGRESS
1ST SESSION

H. R. 4980

To assist States, tribes, territories, counties, and cities in implementing the Family First Prevention Services Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2019

Mr. DANNY K. DAVIS of Illinois (for himself, Mrs. WALORSKI, Ms. BASS, Mr. WENSTRUP, Ms. JUDY CHU of California, Mr. BUCHANAN, Mr. GOMEZ, Mr. ESTES, Mrs. MURPHY of Florida, Mr. BACON, Ms. SÁNCHEZ, Mr. SUOZZI, and Mr. PANETTA) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To assist States, tribes, territories, counties, and cities in implementing the Family First Prevention Services Act, 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 “Family First Transi-
5 tion Act”.

6 **SEC. 2. EVIDENCE STANDARD TRANSITION.**

7 (a) TEMPORARY SUSPENSION OF REQUIREMENT
8 THAT AT LEAST 50 PERCENT OF A STATE’S REIMBURSE-

1 MENT FOR PREVENTION AND FAMILY SERVICES AND
2 PROGRAMS BE FOR PROGRAMS AND SERVICES THAT
3 MEET THE WELL-SUPPORTED PRACTICE REQUIRE-
4 MENT.—With respect to quarters in fiscal years 2020 and
5 2021, section 474(a)(6)(A) of the Social Security Act shall
6 be applied without regard to clause (ii) of such section.

7 (b) SUPPORTED PRACTICES TEMPORARILY TREATED
8 AS WELL-SUPPORTED PRACTICES.—With respect to quar-
9 ters in fiscal years 2022 and 2023, practices that meet
10 the criteria specified for supported practices in section
11 471(e)(4)(C) of the Social Security Act shall be considered
12 well-supported practices for purposes of section
13 474(a)(6)(A)(ii) of such Act.

14 **SEC. 3. ENHANCED FUNDING FOR TRANSITION ACTIVITIES.**

15 (a) TRANSITION FUNDING.—

16 (1) APPROPRIATION.—Out of any money in the
17 Treasury of the United States not otherwise appro-
18 priated, there are appropriated to the Secretary of
19 Health and Human Services (in this Act referred to
20 as the “Secretary”) to carry out this subsection
21 \$500,000,000 for fiscal year 2020, which shall re-
22 main available through fiscal year 2021.

23 (2) DISTRIBUTION OF FUNDS.—

24 (A) IN GENERAL.—The Secretary shall
25 allot the amount appropriated by paragraph (1)

1 of this subsection in accordance with section
2 423 of the Social Security Act, and shall pay
3 each State to which an allotment is so made,
4 the total amount so allotted, subject to subpara-
5 graph (B) of this paragraph.

6 (B) RESERVATION OF FUNDS FOR INDIAN
7 TRIBES AND TRIBAL ORGANIZATIONS.—Before
8 applying subparagraph (A) of this paragraph,
9 the Secretary shall reserve 3 percent of the
10 amount appropriated by paragraph (1) of this
11 subsection for allotment to the Indian tribes
12 and tribal organizations with a plan approved
13 under subpart 1 of part B of title IV of the So-
14 cial Security Act, based on each tribe or tribal
15 organization's share of the total tribal child
16 population among all such tribes and tribal or-
17 ganizations.

18 (b) FUNDING CERTAINTY FOR STATES WITH EXPIR-
19 ING DEMONSTRATION PROJECTS.—

20 (1) IN GENERAL.—Out of any money in the
21 Treasury of the United States not otherwise appro-
22 priated, there are appropriated to the Secretary, for
23 payment to each State that was operating a dem-
24 onstration project approved under section 1130 of
25 the Social Security Act on September 30, 2019, for

1 each fiscal year specified in paragraph (2) of this
2 subsection, an amount equal to the amount (if any)
3 by which—

4 (A)(i) the applicable percentage for the fis-
5 cal year so specified of the maximum capped al-
6 location due to the State or sub-State jurisdic-
7 tion for fiscal year 2019 for foster care mainte-
8 nance, administration, or training costs, under
9 the demonstration project, as specified in sec-
10 tion 4.3 of the State waiver terms and condi-
11 tions document capped allocation payment table
12 in effect on August 31, 2019; or

13 (ii) if the terms and conditions do not
14 specify a maximum amount payable for fiscal
15 year 2019 for the State or sub-State jurisdic-
16 tion (due to the use of a comparison jurisdic-
17 tion to ensure cost neutrality), the final cost
18 neutrality limit for the State or sub-State juris-
19 diction for fiscal year 2018, as most recently re-
20 ported by the State or sub-State jurisdiction as
21 of September 30, 2019, for foster care mainte-
22 nance, administration or training costs under
23 the demonstration project that were included in
24 the waiver; exceeds

1 (B) the total amount payable to the State
2 or sub-State jurisdiction under part E of title
3 IV of such Act for the fiscal year so specified
4 for foster care expenditures (whether payable
5 under paragraph (1) or (3) of section 474(a) of
6 such Act) that were maintenance, administra-
7 tion, or training costs of the demonstration
8 project taken into account by the Secretary in
9 determining the total amount referred to in
10 subparagraph (A) of this paragraph.

11 (2) APPLICABLE PERCENTAGE DEFINED.—In
12 this paragraph, the term “applicable percentage”
13 means—

14 (A) 90 percent, in the case of fiscal year
15 2020; or

16 (B) 75 percent, in the case of fiscal year
17 2021.

18 (3) SPECIAL RULE.—The calculation under
19 paragraph (1) with respect to a State shall be made
20 without regard to—

21 (A) any change approved after August 31,
22 2019, in the capped allocation or the terms and
23 conditions referred to in subparagraph (A) with
24 respect to the State; or

1 (B) any change made after such date to
2 the financial form submitted by the State that
3 is used in determining the capped allocation.

4 (4) DISTRIBUTION OF FUNDS.—Each State
5 that receives funds under this subsection shall dis-
6 tribute the funds to jurisdictions in the State that
7 were operating demonstration projects under section
8 1130 of the Social Security Act in a manner con-
9 sistent with each sub-State jurisdiction’s propor-
10 tionate loss as compared with fiscal year 2019.

11 (5) RECONCILIATION PROCESS.—Each State
12 seeking a payment under this subsection shall report
13 expenditures pursuant to part E of title IV of the
14 Social Security Act in a manner determined by the
15 Secretary and the Secretary shall account for any
16 revisions to spending for fiscal years 2020 and 2021
17 after the end of the respective fiscal year that are
18 reported by the State agency administering the
19 State plan approved under such part, and received
20 by the Department of Health and Human Services,
21 within 2 years after the last day of the fiscal quarter
22 in which the expenditure was made.

23 (6) AVAILABILITY OF FUNDS.—The amounts
24 made available for payments to States under this

1 subsection for a fiscal year shall remain available
2 through the end of the third succeeding fiscal year.

3 (c) USE OF FUNDS.—

4 (1) IN GENERAL.—In addition to the purposes
5 specified in part B of title IV of the Social Security
6 Act, a State may use funds provided under this sec-
7 tion for activities previously funded under a dem-
8 onstration project under section 1130 of such Act to
9 reduce any adverse fiscal impacts as jurisdictions
10 transition funding sources for the projects, and for
11 activities directly associated with the implementation
12 of title VII of division E of Public Law 115–123
13 (also known as the Family First Prevention Services
14 Act).

15 (2) LIMITATION.—None of the funds provided
16 under this section may be used to match Federal
17 funds under any program.

18 **SEC. 4. REPORTING ON ENHANCED FUNDING FOR TRANSI-**
19 **TION ACTIVITIES.**

20 (a) IN GENERAL.—Each State to which funds are
21 paid under section 3 of this Act shall submit to the Sec-
22 retary, in a manner specified by the Secretary, a written
23 report on—

24 (1) how the grant is used to implement each
25 part of title VII of division E of Public Law 115–

1 123 (also known as the Family First Prevention
2 Services Act), with a separate statement with re-
3 spect to each such part;

4 (2) all programs, services, and operational costs
5 to which the grant is put;

6 (3) the characteristics of the families and chil-
7 dren served by use of the grant; and

8 (4)(A) the use by the State of amounts pro-
9 vided for each fiscal year to continue activities pre-
10 viously funded under a waiver provided under sec-
11 tion 1130 of the Social Security Act; and

12 (B)(i) the plan of the State to transition the ac-
13 tivities so that needed activities can be provided
14 under the State plan approved under part E of title
15 IV of the Social Security Act; or

16 (ii) if expenditures for the activities would not
17 be eligible for payment under the State plan ap-
18 proved under such part E—

19 (I) the reason therefor; and

20 (II) the funding sources the State plans to
21 use to cover the costs of needed activities.

22 (b) APPLICABILITY OF OTHER LAWS.—For purposes
23 of subpart 2 of part B of title IV of the Social Security
24 Act, each report required by subsection (a) of this section
25 shall be considered to be required by section 432(a)(8) of

1 such Act, and shall contain such additional information
2 as the Secretary may require.

3 **SEC. 5. DEFINITION OF STATE.**

4 In this Act, the term “State” has the meaning given
5 the term in section 431(a)(4) of the Social Security Act.

6 **SEC. 6. RENAMING OF TITLE IV-B-2 OF THE SOCIAL SECU-
7 RITY ACT.**

8 The subpart heading for subpart 2 of part B of title
9 IV of the Social Security Act is amended by striking
10 “**Promoting Safe and Stable Families**” and in-
11 serting “**MaryLee Allen Promoting Safe and
12 Stable Families Program**”.

13 **SEC. 7. EFFECTIVE DATE.**

14 This Act and the amendments made by this Act shall
15 take effect as if included in the Bipartisan Budget Act
16 of 2018 on the date of the enactment of such Act.

17 **SEC. 8. TECHNICAL CORRECTION.**

18 Section 50701 of the Bipartisan Budget Act of 2018
19 (42 U.S.C. 1305 note; Public Law 115–123) is amended
20 by striking “Bipartisan Budget Act of 2018” and insert-
21 ing “Family First Prevention Services Act”.

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