

116TH CONGRESS
1ST SESSION

S. 2777

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2019

Mr. GRASSLEY (for himself and Mr. WYDEN) introduced the following bill;
which was read twice and referred to the Committee on Finance

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-
9 MENT FOR PREVENTION AND FAMILY SERVICES AND
10 PROGRAMS BE FOR PROGRAMS AND SERVICES THAT

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

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

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

13 (a) TRANSITION FUNDING.—

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

21 (2) DISTRIBUTION OF FUNDS.—

22 (A) IN GENERAL.—The Secretary shall
23 allot the amount appropriated by paragraph (1)
24 of this subsection in accordance with section
25 423 of the Social Security Act, and shall pay

1 each State to which an allotment is so made,
2 the total amount so allotted, subject to subpara-
3 graph (B) of this paragraph.

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

16 (b) FUNDING CERTAINTY FOR STATES WITH EXPIR-
17 ING DEMONSTRATION PROJECTS.—

18 (1) IN GENERAL.—Out of any money in the
19 Treasury of the United States not otherwise appro-
20 priated, there are appropriated to the Secretary, for
21 payment to each State that was operating a dem-
22 onstration project approved under section 1130 of
23 the Social Security Act on September 30, 2019, for
24 each fiscal year specified in paragraph (2) of this

1 subsection, an amount equal to the amount (if any)
2 by which—

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

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

24 (B) the total amount payable to the State
25 or sub-State jurisdiction under part E of title

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

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

12 (A) 90 percent, in the case of fiscal year
13 2020; or

14 (B) 75 percent, in the case of fiscal year
15 2021.

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

19 (A) any change approved after August 31,
20 2019, in the capped allocation or the terms and
21 conditions referred to in subparagraph (A) with
22 respect to the State; or

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

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

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

20 (6) AVAILABILITY OF FUNDS.—The amounts
21 made available for payments to States under this
22 subsection for a fiscal year shall remain available
23 through the end of the third succeeding fiscal year.

24 (c) USE OF FUNDS.—

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

12 (2) LIMITATION.—None of the funds provided
13 under this section may be used to match Federal
14 funds under any program.

15 **SEC. 4. REPORTING ON ENHANCED FUNDING FOR TRANSI-**
16 **TION ACTIVITIES.**

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

21 (1) how the grant is used to implement each
22 part of title VII of division E of Public Law 115–
23 123 (also known as the Family First Prevention
24 Services Act), with a separate statement with re-
25 spect to each such part;

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

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

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

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

13 (ii) if expenditures for the activities would not
14 be eligible for payment under the State plan ap-
15 proved under such part E—

16 (I) the reason therefor; and

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

19 (b) APPLICABILITY OF OTHER LAWS.—For purposes
20 of subpart 2 of part B of title IV of the Social Security
21 Act, each report required by subsection (a) of this section
22 shall be considered to be required by section 432(a)(8) of
23 such Act, and shall contain such additional information
24 as the Secretary may require.

1 **SEC. 5. DEFINITION OF STATE.**

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

4 **SEC. 6. RENAMING OF TITLE IV-B-2 OF THE SOCIAL SECUR-**
5 **RITY ACT.**

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

11 **SEC. 7. EFFECTIVE DATE.**

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

15 **SEC. 8. TECHNICAL CORRECTION.**

16 Section 50701 of the Bipartisan Budget Act of 2018
17 (42 U.S.C. 1305 note; Public Law 115–123) is amended
18 by striking “Bipartisan Budget Act of 2018” and insert-
19 ing “Family First Prevention Services Act”.

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