

[DISCUSSION DRAFT]

116TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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**A BILL**

To

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 in fiscal year 2019, for each  
24          fiscal year specified in paragraph (2) of this sub-

1 section, an amount equal to the amount (if any) by  
2 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 amount pay-  
17 able to the State or sub-State jurisdiction for  
18 fiscal year 2018, as most recently reported by  
19 the State or sub-State jurisdiction as of August  
20 31, 2019, on Form CB-496 of the Department  
21 of Health and Human Services, for foster care  
22 maintenance, administration or training costs  
23 under the demonstration project that were in-  
24 cluded in 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 fiscal year 2019.

9           (5) AVAILABILITY OF FUNDS.—The amounts  
10          made available for payments to States under this  
11          subsection for a fiscal year shall remain available  
12          through the end of the 3rd succeeding fiscal year.

13          (c) USE OF FUNDS.—

14           (1) IN GENERAL.—In addition to the purposes  
15          specified in part B of title IV of the Social Security  
16          Act, a State may use funds provided under this sec-  
17          tion for activities previously funded under a dem-  
18          onstration project under section 1130 of such Act to  
19          reduce any adverse fiscal impacts as jurisdictions  
20          transition funding sources for the projects, and for  
21          activities directly associated with the implementation  
22          of title VII of division E of Public Law 115–123  
23          (also known as the Family First Prevention Services  
24          Act).



1           (ii) if expenditures for the activities would not  
2           be eligible for payment under the State plan ap-  
3           proved under such part E—

4                   (I) the reason therefor; and

5                   (II) the funding sources the State plans to  
6           use to cover the costs of needed activities; and

7           (5) how the additional funds were used to cover  
8           caseworker training, including the total number of  
9           staff who received training and the types of training  
10          received.

11          (b) **APPLICABILITY OF OTHER LAWS.**—For purposes  
12          of subpart 2 of part B of title IV of the Social Security  
13          Act, each report required by subsection (a) of this section  
14          shall be considered to be required by section 432(a)(8) of  
15          such Act, and shall contain such additional information  
16          as the Secretary may require.

17          **SEC. 5. DEFINITION OF STATE.**

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

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

22                 The subpart heading for subpart 2 of part B of title  
23          IV of the Social Security Act is amended by striking  
24          “**Promoting Safe and Stable Families**” and in-

1 serting “**MaryLee Allen Promoting Safe and**  
2 **Stable Families Program**”.

3 **SEC. 7. EFFECTIVE DATE.**

4 This Act and the amendments made by this Act shall  
5 take effect on October 1, 2019.

6 **SEC. 8. TECHNICAL CORRECTION.**

7 Section 50701 of the Bipartisan Budget Act of 2018  
8 (42 U.S.C. 1305 note; Public Law 115–123) is amended  
9 by striking “Bipartisan Budget Act of 2018” and insert-  
10 ing “Family First Prevention Services Act”.