

116TH CONGRESS
1ST SESSION

S. 1376

To amend parts B and E of title IV of the Social Security Act to eliminate barriers to providing child welfare services for children and youth in need, to provide additional resources to implement programmatic changes necessary to meet the requirements of the Family First Prevention Services Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2019

Mr. BROWN (for himself, Ms. STABENOW, Ms. KLOBUCHAR, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend parts B and E of title IV of the Social Security Act to eliminate barriers to providing child welfare services for children and youth in need, to provide additional resources to implement programmatic changes necessary to meet the requirements of 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Family First Transition and Support Act of 2019”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ELIMINATING BARRIERS TO PROVIDING CHILD
 WELFARE SERVICES FOR CHILDREN IN NEED

Sec. 101. Elimination of the AFDC eligibility requirement for foster care maintenance payments for children placed in a foster family home.

Sec. 102. Increased funding for promoting safe and stable families.

Sec. 103. Promoting safe and stable families through kinship placement support services programs.

Sec. 104. Using family preservation services to stabilize families in crisis.

Sec. 105. More funding and training for caseworker development.

Sec. 106. Funding for evaluation and identification of evidence-based prevention practices.

Sec. 107. Increased funding for regional partnership grants.

TITLE II—SUPPORT FOR MEETING THE REQUIREMENTS OF THE
 FAMILY FIRST PREVENTION SERVICES ACT

Sec. 201. Delay of 50 percent well-supported prevention practices requirement.

Sec. 202. Temporary additional funding for foster parent recruitment and increasing quality family and residential care settings.

Sec. 203. Overpayment grace period for waiver States with county-administered programs.

Sec. 204. Pre-approval authority for programs with promising, supported, or well-supported practices.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Additional resources for the child welfare court improvement program.

Sec. 302. Additional resources and improvements for tribal child welfare programs.

Sec. 303. Effective date.

1 **TITLE I—ELIMINATING BAR-**
 2 **RIERS TO PROVIDING CHILD**
 3 **WELFARE SERVICES FOR**
 4 **CHILDREN IN NEED**

5 **SEC. 101. ELIMINATION OF THE AFDC ELIGIBILITY RE-**
 6 **QUIREMENT FOR FOSTER CARE MAINTENANCE PAYMENTS FOR CHILDREN PLACED**
 7 **IN A FOSTER FAMILY HOME.**

9 (a) IN GENERAL.—Section 472(a) of the Social Security Act (42 U.S.C. 672(a)) is amended—

11 (1) in paragraph (1), in the matter preceding
 12 subparagraph (A), by striking “Each State” and inserting “Subject to paragraph (5), each State”; and
 13
 14 (2) by adding at the end the following:

15 “(5) ELIMINATION OF THE AFDC ELIGIBILITY
 16 REQUIREMENT FOR CHILDREN PLACED IN A FOSTER
 17 FAMILY HOME.—Beginning October 1, 2019, the
 18 AFDC eligibility requirement of paragraph (3) shall
 19 no longer apply with respect to a child who has been
 20 removed from the home of a relative or a caretaker
 21 into foster care and placed in a foster family home.
 22 On and after such date, each State with a plan approved under this part shall make foster care maintenance payments on behalf of each child who has
 23
 24 been removed from the home of a relative or care-

1 taker into foster care and placed in a foster family
2 home (without regard to whether such removal and
3 placement occurred before, on, or after October 1,
4 2019), if the removal and foster care placement met,
5 and continues to meet, the requirements of para-
6 graph (2).”.

7 (b) REINVESTMENT OF SAVINGS.—Section 472 of
8 such Act is amended by adding at the end the following:

9 “(1) REINVESTMENT OF SAVINGS FROM ELIMI-
10 NATION OF THE AFDC ELIGIBILITY REQUIREMENT.—

11 “(1) SPENDING REQUIREMENT.—Beginning
12 with fiscal year 2021, a State shall spend an amount
13 equal to the amount of savings (if any) in State ex-
14 penditures under this part for the preceding fiscal
15 year resulting from the amendments made by section
16 101(a) of the Family First Transition and Support
17 Act of 2019 (eliminating the AFDC eligibility re-
18 quirement for children placed in a foster family
19 home) to provide children or families any service
20 that may be provided under this part or part B. In
21 the case of a State in which the State plans under
22 this part and part B are administered by 1 or more
23 political subdivisions of the State, the State shall
24 distribute such savings (if any) determined for a fis-

1 cal year among the political subdivisions of the State
2 administering such State plans.

3 “(2) DETERMINATION OF SAVINGS.—

4 “(A) IN GENERAL.—A State shall calculate
5 the savings (if any) for a fiscal year for pur-
6 poses of meeting the requirement of paragraph
7 (1), using a methodology specified by the Sec-
8 retary or an alternate methodology proposed by
9 the State and approved by the Secretary.

10 “(B) REPORT.—A State shall annually re-
11 port to the Secretary—

12 “(i) the methodology used to make the
13 calculation described in subparagraph (A),
14 without regard to whether any savings are
15 found;

16 “(ii) the amount of any savings re-
17 ferred to in subparagraph (A);

18 “(iii) how any such savings are spent,
19 accounting for and reporting the spending
20 separately from any other spending re-
21 ported to the Secretary under part B or
22 this part; and

23 “(iv) in the case of a State in which
24 the State plans under this part and part B
25 are administered by 1 or more political

1 subdivisions of the State, the proportion of
 2 such savings that were distributed to polit-
 3 ical subdivisions of the State.

4 “(C) PUBLICLY AVAILABLE.—The Sec-
 5 retary shall make all information reported pur-
 6 suant to subparagraph (B) available on the
 7 website of the Department of Health and
 8 Human Services in a location easily accessible
 9 to the public.

10 “(3) SUPPLEMENT, NOT SUPPLANT.—Any State
 11 spending required under paragraph (1) shall be used
 12 to supplement, and not supplant, any Federal or
 13 non-Federal funds used to provide any service under
 14 part B or this part.”.

15 **SEC. 102. INCREASED FUNDING FOR PROMOTING SAFE AND**
 16 **STABLE FAMILIES.**

17 Section 436(a) of the Social Security Act (42 U.S.C.
 18 629f(a)) is amended by striking “through 2021” and in-
 19 serting “through 2019, and \$665,000,000 for each of fis-
 20 cal years 2020 through 2021”.

21 **SEC. 103. PROMOTING SAFE AND STABLE FAMILIES**
 22 **THROUGH KINSHIP PLACEMENT SUPPORT**
 23 **SERVICES PROGRAMS.**

24 (a) ADDITION OF KINSHIP PLACEMENT SUPPORT
 25 SERVICES TO THE PROMOTING SAFE AND STABLE FAMI-

1 LIES PROGRAM.—Section 431(a) of the Social Security
2 Act (42 U.S.C. 629a(a)) is amended by adding at the end
3 the following:

4 “(10) KINSHIP PLACEMENT SUPPORT SERV-
5 ICES.—

6 “(A) IN GENERAL.—The term ‘kinship
7 placement support services’ means the services
8 and activities described in subparagraph (B)
9 that are provided on behalf of children and
10 youth in kinship care arrangements who are in,
11 or at risk of entering or re-entering, foster care.

12 “(B) SERVICES AND ACTIVITIES DE-
13 SCRIBED.—The services and activities described
14 in this subparagraph are the following:

15 “(i) Crisis stabilization services, in-
16 cluding case management services designed
17 to stabilize families in crisis such as trans-
18 portation, assistance with housing and util-
19 ity payments, and access to adequate
20 health care, child care assistance, and es-
21 tablishing a kinship placement crisis sta-
22 bilization fund for purposes of making di-
23 rect cash payments to kin caregivers for
24 immediate needs of children placed with
25 such caregivers in order to facilitate kin-

1 ship placements and prevent the entry of
2 children into foster care.

3 “(ii) Family finding, including inten-
4 sive family-finding efforts that utilize
5 search technology to find biological family
6 members for children in, or at risk of en-
7 tering, foster care.

8 “(iii) Re-establishing family relation-
9 ships and supporting family group deci-
10 sion-making.

11 “(iv) Other assistance or services re-
12 lated to strengthening and supporting kin-
13 ship families to improve the well-being of
14 children and their kin caregivers, includ-
15 ing, if requested, assistance in becoming a
16 licensed foster family home.”.

17 (b) MAINTENANCE OF EFFORT REQUIREMENT.—
18 Section 432(a)(7) of such Act (42 U.S.C. 629b(a)(7)) is
19 amended—

20 (1) in subparagraph (A)—

21 (A) by striking “assurances that Federal
22 funds” and inserting “assurances that—

23 “(i) Federal funds”; and

24 (B) by adding at the end the following:

1 “(ii) the total amount of State expendi-
2 tures made for fiscal year 2020 and each fiscal
3 year thereafter to support kinship placements
4 shall not be less than the total amount of such
5 expenditures made for fiscal year 2019; and”;
6 and

7 (2) in subparagraph (B), by inserting “and
8 spending requirements” after “prohibition”.

9 (c) CONFORMING AMENDMENTS.—

10 (1) Section 430 of such Act (42 U.S.C. 629) is
11 amended—

12 (A) in the matter preceding paragraph (1),
13 by inserting “kinship placement support serv-
14 ices,” after “family reunification services,”;

15 (B) by redesignating paragraphs (3) and
16 (4) as paragraphs (4) and (5), respectively; and

17 (C) by inserting after paragraph (2), the
18 following:

19 “(3) To support kinship placements to maintain
20 family connections while ensuring the safety and
21 well-being of children and youth and the well-being
22 of their kin caregivers.”.

23 (2) Paragraphs (4) and (5) of section 432(a) of
24 such Act (42 U.S.C. 629b(a)) are each amended by

1 inserting “kinship placement support services,” after
2 “family reunification services,”.

3 **SEC. 104. USING FAMILY PRESERVATION SERVICES TO STA-**
4 **BILIZE FAMILIES IN CRISIS.**

5 Section 431(a)(1) of the Social Security Act (42
6 U.S.C. 629a(a)(1)) is amended—

7 (1) in subparagraph (E), by striking “and”
8 after the semicolon;

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

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

12 “(G) case management services designed to
13 stabilize families in crisis such as transpor-
14 tation, assistance with housing and utility pay-
15 ments, and access to adequate health care.”.

16 **SEC. 105. MORE FUNDING AND TRAINING FOR CASE-**
17 **WORKER DEVELOPMENT.**

18 (a) INCREASED RESERVATION OF FUNDS.—Section
19 436(b)(4)(A) of the Social Security Act (42 U.S.C.
20 629f(b)(4)(A)) is amended by striking “through 2021”
21 and inserting “through 2019, and \$50,000,000 for each
22 of fiscal years 2020 through 2021”.

23 (b) USE OF FUNDS.—Section 436(b)(4)(B) of such
24 Act (42 U.S.C. 629f(b)(4)(B)) is amended—

25 (1) in clause (i)—

1 (A) by striking “the amount to improve”
2 and inserting “the amount to—

3 “(I) improve”;

4 (B) by striking the period and inserting a
5 semicolon; and

6 (C) by adding at the end the following:

7 “(II) identify and reduce the im-
8 pact of vicarious trauma among case-
9 workers; and

10 “(III) provide caseworkers with
11 training in best practices for directly
12 working with families where a parent
13 or another member of the family has
14 a substance use disorder or behavioral
15 health issue.”; and

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

17 “(iii) DOCUMENTATION OF USE OF
18 FUNDS FOR CASEWORKER DEVELOP-
19 MENT.—A State shall annually report to
20 the Secretary, separately from any other
21 spending reported to the Secretary under
22 part E or this part, the amounts used by
23 the State and how such amounts are ex-
24 pended for a fiscal year to meet the re-

1 requirements of subclauses (II) and (III) of
2 clause (i).”.

3 **SEC. 106. FUNDING FOR EVALUATION AND IDENTIFICATION**
4 **OF EVIDENCE-BASED PREVENTION PRACTICES.**
5 **TICES.**

6 (a) INCREASED RESERVATION OF FUNDS.—Section
7 436(b)(1) of the Social Security Act (42 U.S.C.
8 629f(b)(1)) is amended, in the matter preceding subpara-
9 graph (A), by striking “\$6,000,000” and inserting
10 “\$26,000,000”.

11 (b) TARGETED RESERVATIONS OF FUNDS.—Section
12 435 of such Act (42 U.S.C. 629e) is amended—

13 (1) in subsection (c)—

14 (A) in paragraph (1), by striking “and”
15 after the semicolon;

16 (B) in paragraph (2), by striking the pe-
17 riod and inserting a semicolon; and

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

19 “(3) \$15,000,000 to award grants to States
20 under subsection (f) for research and evaluations;
21 and

22 “(4) for each of fiscal years 2020 through
23 2022, \$5,000,000 for expenditures by the Secretary
24 described in subsection (g).”; and

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

1 “(f) GRANTS TO STATES FOR RESEARCH AND EVAL-
2 UATIONS.—

3 “(1) AUTHORITY TO AWARD GRANTS.—

4 “(A) IN GENERAL.—The Secretary shall
5 award grants to States to carry out State-di-
6 rected research and evaluations.

7 “(B) APPLICATIONS.—To be eligible for a
8 grant under this subsection, a State shall sub-
9 mit to the Secretary an application at such
10 time, in such manner, and containing such in-
11 formation as the Secretary may require.

12 “(2) REQUIREMENTS.—States awarded grants
13 under this subsection shall agree to do the following:

14 “(A) USE OF FUNDS.—To use the grant
15 funds to carry out 1 or more of the following
16 activities in collaboration with nonprofit organi-
17 zations and educational institutions:

18 “(i) Researching and evaluating cul-
19 turally appropriate interventions to
20 strengthen families and prevent children
21 and youth from entering or re-entering fos-
22 ter care.

23 “(ii) Developing programs and activi-
24 ties that meet the requirements for prom-

1 ising, supported, or well-supported prac-
2 tices specified in section 471(e)(4)(C).

3 “(iii) Developing and evaluating kin-
4 ship navigator model programs, including
5 for purposes of determining if any such
6 program is, or with specific modifications
7 may be, operated in a way that meet the
8 requirements for promising, supported, or
9 well-supported practices specified in section
10 471(e)(4)(C).

11 “(iv) Developing or implementing pro-
12 grams or activities for 1 or more of the fol-
13 lowing purposes:

14 “(I) To combat intergenerational
15 poverty.

16 “(II) To prevent youth from re-
17 entering foster care and from aging
18 out of foster care.

19 “(III) To improve the quality of
20 services for birth parents and relatives
21 of children and youth in foster care or
22 at risk of entering or re-entering fos-
23 ter care.

1 “(IV) To increase community en-
2 gagement and decision-making in
3 child protection services.

4 “(V) To improve service delivery
5 and community response for youth
6 victims of labor or sex trafficking.

7 “(VI) To support children, youth,
8 and families of color and others who
9 experience disproportionate represen-
10 tation and disparities with respect to
11 the provision of child welfare services.

12 “(B) EVALUATION AND REPORT.—To
13 evaluate the effectiveness of the activities car-
14 ried out with grant funds (or participate in an
15 evaluation by the Secretary of such activities)
16 and to submit a report to the Secretary on the
17 results of the evaluation that contains such in-
18 formation as the Secretary may require.

19 “(g) ACCELERATING IDENTIFICATION AND AP-
20 PROVAL OF EVIDENCE-BASED PREVENTION PRACTICES
21 AND WORKFORCE DEVELOPMENT BEST PRACTICES.—
22 For purposes of subsection (c)(4), the expenditures by the
23 Secretary described in this subsection are the following:

24 “(1) Expenditures for evaluations of program
25 models, selected in consultation with State child wel-

1 fare agencies, for purposes of identifying program
 2 models and activities that meet, or with specific
 3 modifications would meet, the requirements for
 4 promising, supported, or well-supported practices
 5 specified in section 471(e)(4)(C).

6 “(2) Expenditures to accelerate the implemen-
 7 tation of the clearinghouse of promising, supported,
 8 and well-supported practices established under sec-
 9 tion 476(d)(2).

10 “(3) Expenditures for research, identification,
 11 and dissemination of best practices for developing
 12 and sustaining a high quality child welfare case-
 13 worker workforce.

14 “(4) Expenditures for administrative costs at-
 15 tributable to carrying out this subsection, but only
 16 to the extent such costs do not exceed 5 percent of
 17 the amount reserved in subsection (c)(4).”.

18 **SEC. 107. INCREASED FUNDING FOR REGIONAL PARTNER-**
 19 **SHIP GRANTS.**

20 (a) INCREASED RESERVATION OF FUNDS.—Section
 21 436(b)(5) of the Social Security Act (42 U.S.C.
 22 629f(b)(5)) is amended by striking “through 2021” and
 23 inserting “through 2019 and \$60,000,000 for each of fis-
 24 cal years 2020 through 2021”.

1 (b) TECHNICAL AMENDMENT.—Section 437(c)(2) of
 2 such Act (42 U.S.C. 629g(c)(2)) is amended by striking
 3 “subection” and inserting “subsection”.

4 **TITLE II—SUPPORT FOR MEET-**
 5 **ING THE REQUIREMENTS OF**
 6 **THE FAMILY FIRST PREVEN-**
 7 **TION SERVICES ACT**

8 **SEC. 201. DELAY OF 50 PERCENT WELL-SUPPORTED PRE-**
 9 **VENTION PRACTICES REQUIREMENT.**

10 Section 474(a)(6)(A)(ii) of the Social Security Act
 11 (42 U.S.C. 674(a)(6)(A)(ii)) is amended by striking “for
 12 a fiscal year” and inserting “for any fiscal year after fiscal
 13 year 2026”.

14 **SEC. 202. TEMPORARY ADDITIONAL FUNDING FOR FOSTER**
 15 **PARENT RECRUITMENT AND INCREASING**
 16 **QUALITY FAMILY AND RESIDENTIAL CARE**
 17 **SETTINGS.**

18 Section 436 of the Social Security Act (42 U.S.C.
 19 629f) is amended by adding at the end the following:

20 “(d) TEMPORARY ADDITIONAL FUNDING FOR FOS-
 21 TER PARENT RECRUITMENT AND INCREASING QUALITY
 22 FAMILY AND RESIDENTIAL CARE SETTINGS.—

23 “(1) APPROPRIATION.—

24 “(A) IN GENERAL.—In addition to any
 25 amounts otherwise made available to carry out

1 this subpart, out of any money in the Treasury
2 of the United States not otherwise appro-
3 priated, there are appropriated \$75,000,000 for
4 each of fiscal years 2020 through 2021.

5 “(B) RESERVATION OF FUNDS.—The Sec-
6 retary shall reserve 3 percent of the amounts
7 appropriated under subparagraph (A) for a fis-
8 cal year for allotment to Indian tribes or tribal
9 consortia under paragraph (2)(A).

10 “(2) ALLOTMENTS TO STATES AND INDIAN
11 TRIBES OR TRIBAL CONSORTIA.—

12 “(A) INDIAN TRIBES OR TRIBAL CON-
13 SORTIA.—From the amounts reserved under
14 paragraph (1)(B) for a fiscal year, the Sec-
15 retary shall allot to each Indian tribe or tribal
16 consortia with a plan approved under this sub-
17 part an amount determined in the same manner
18 as amounts are allotted to Indian tribes or trib-
19 al consortia under section 433(a).

20 “(B) STATES.—From the amounts appro-
21 priated under paragraph (1)(A) for a fiscal year
22 that remain after applying subparagraph (A) of
23 this paragraph, the Secretary shall allot—

24 “(i) to each of the jurisdictions of
25 Puerto Rico, Guam, the Virgin Islands, the

1 Northern Mariana Islands, and American
2 Samoa, an amount determined in the same
3 manner as the allotment to each of such
4 jurisdictions is determined under section
5 433(b); and

6 “(ii) to each State other than an In-
7 dian tribe or a jurisdiction specified in
8 clause (i), an amount determined in the
9 same manner as the allotment to each such
10 State is determined under section 433(c).

11 “(3) USE OF FUNDS.—States and Indian tribes
12 or tribal consortia shall use the allotments made
13 under paragraph (2) for 1 or more of the following
14 purposes:

15 “(A) To increase the recruitment, training,
16 and retention of foster parents, particularly,
17 foster parents for special populations such as
18 sibling groups, children and youth with special
19 physical or behavioral health needs, infants pre-
20 nately exposed to substances, medically fragile
21 children, adolescent and teen populations, older
22 youth, and victims of sex trafficking, including
23 through costs attributable to training on child
24 development, child trauma, and caring for chil-
25 dren with special health care needs.

1 “(B) To improve State capacity to offer
2 therapeutic treatment foster family homes with
3 well-trained and well-supported caregivers, li-
4 censed residential family-based treatment facili-
5 ties for substance abuse that satisfy the re-
6 quirements of section 472(j), and placement
7 settings described in section 472(k)(2), includ-
8 ing through costs attributable to meeting licens-
9 ing standards and the accreditation of pro-
10 grams and care settings, costs attributable to
11 training on child development, child trauma,
12 and caring for children with special health care
13 needs and training for families of origin, adop-
14 tive families, and foster family home caregivers,
15 and costs attributable to supporting a child’s
16 transition to or from placement in a care set-
17 ting.

18 “(C) To improve State implementation of
19 plans required under section 422(b)(15) for the
20 ongoing oversight and coordination of health
21 care services for any child in a foster care, to
22 better address the health needs of children in
23 foster care and prevent placement disruption
24 and foster parent turnover, including through
25 consultation with pediatric medical experts, im-

1 proved health data sharing and coordination ac-
2 tivities, and employing or contracting for pedia-
3 trician medical directors to serve within child
4 welfare agencies who have expertise in child
5 physical and mental health, child development,
6 and child trauma.

7 “(4) PAYMENT RULES.—

8 “(A) NO MATCH REQUIRED.—Each State
9 that has a plan approved under section 432 and
10 each Indian tribe or tribal consortia with a plan
11 approved under this subpart shall be entitled to
12 payment for a fiscal year of 100 percent of the
13 amounts allotted to the State or Indian tribe or
14 tribal consortia under paragraph (2) for the fis-
15 cal year.

16 “(B) AVAILABILITY OF FUNDS.—

17 “(i) IN GENERAL.—Amounts allotted
18 to a State or Indian tribe or tribal con-
19 sortia under paragraph (2) for a fiscal
20 year shall remain available for expenditure
21 by the State or Indian tribe or tribal con-
22 sortia through the end of the third suc-
23 ceeding fiscal year.

24 “(ii) AMOUNTS REDISTRIBUTED.—

25 Any amounts reallocated shall remain avail-

1 able only through the end of the fiscal year
2 in which such amounts are distributed.

3 “(C) APPLICABILITY OF CERTAIN
4 RULES.—The rules of section 433(d) sub-
5 sections (c) and (d) of section 434 shall apply
6 in like manner to the amounts allotted under
7 paragraph (2) of this subsection.

8 “(5) REPORT.—

9 “(A) IN GENERAL.—Each State and In-
10 dian tribe or tribal consortia provided an allot-
11 ment under this subsection shall submit a re-
12 port to the Secretary, at such time, in such
13 manner, and containing such information as the
14 Secretary may require, on the activities carried
15 out with the amounts allotted.

16 “(B) INDIAN TRIBES AND TRIBAL CON-
17 SORTIA.—The Secretary may modify the report-
18 ing requirement under subparagraph (A) for an
19 Indian tribe or tribal consortia in accordance
20 with section 428(d).”.

21 **SEC. 203. OVERPAYMENT GRACE PERIOD FOR WAIVER**
22 **STATES WITH COUNTY-ADMINISTERED PRO-**
23 **GRAMS.**

24 Section 474(b) of the Social Security Act (42 U.S.C.
25 674(b)) is amended by adding at the end the following:

1 “(5) OVERPAYMENT GRACE PERIOD OPTION FOR
2 CERTAIN STATES.—In the case of any State conducting
3 a demonstration project under section 1130 that is sched-
4 uled to terminate on September 30, 2019, and that is ad-
5 ministered by 1 or more political subdivisions of the State,
6 the State may enter into an agreement with the Secretary
7 under which—

8 “(A) the State shall agree to make payments
9 for each quarter of fiscal year 2020 to each such po-
10 litical subdivision of the State for the amount the
11 political subdivision estimates will be expended for
12 foster care maintenance payments and administra-
13 tive expenditures attributable to the provision of
14 such payments for the quarter solely on the basis of
15 estimates and without requiring the political subdivi-
16 sion to submit an invoice or claim based on actual
17 expenditures until after the quarter has ended;

18 “(B) the Secretary shall agree to not reduce
19 any quarterly payment made to the State during fis-
20 cal year 2020 or 2021 to the extent of any overpay-
21 ment which the Secretary determines was made
22 under this section to such State for any prior quar-
23 ter of any fiscal year; and

24 “(C) the Secretary shall recover any overpay-
25 ments deferred under subparagraph (B) to quarters

1 beginning on or after October 1, 2021, on the basis
 2 of such terms as the Secretary and the State shall
 3 agree.”.

4 **SEC. 204. PRE-APPROVAL AUTHORITY FOR PROGRAMS**
 5 **WITH PROMISING, SUPPORTED, OR WELL-**
 6 **SUPPORTED PRACTICES.**

7 Section 471(e)(4)(D)(i) of the Social Security Act (42
 8 U.S.C. 671(e)(4)(D)(i)) is amended by adding at the end
 9 the following: “The fact that a service or program is not
 10 included on any such pre-approved list shall not prohibit
 11 a State from receiving payments under section 474(a)(6)
 12 for the provision of services or programs specified in sub-
 13 paragraph (A) or (B) of paragraph (1) of this subsection
 14 that meet the applicable criteria specified for such prac-
 15 tices in subparagraph (C) of this paragraph, or for which
 16 payment is available under section 474(a)(7).”.

17 **TITLE III—MISCELLANEOUS**
 18 **PROVISIONS**

19 **SEC. 301. ADDITIONAL RESOURCES FOR THE CHILD WEL-**
 20 **FARE COURT IMPROVEMENT PROGRAM.**

21 (a) INCREASED FUNDING.—Section 436(b)(2) of the
 22 Social Security Act (42 U.S.C. 629f(b)(2)) is amended by
 23 striking “\$30,000,000” and inserting “\$60,000,000”.

24 (b) PROGRAM CHANGES.—Section 438 of such Act
 25 (42 U.S.C. 629h) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (2)—

3 (i) in subparagraph (A), by inserting
4 “in a timely and complete manner” before
5 “, as set forth”; and

6 (ii) in subparagraph (C), by striking
7 the semicolon and inserting “, including by
8 training judges, attorneys, and other legal
9 personnel.”; and

10 (B) by striking paragraphs (3) and (4);

11 (2) in subsection (b)—

12 (A) by striking paragraph (2); and

13 (B) by striking all that precedes “be eligi-
14 ble to receive” and inserting the following:

15 “(b) APPLICATIONS.—In order to”; and

16 (i) in the matter preceding paragraph
17 (2)—

18 (I) by moving the matter 2 ems
19 to the left;

20 (II) in subparagraph (A)—

21 (aa) by striking “(A) in the
22 case of a grant for the purpose
23 described in subsection (a)(3),”
24 and inserting “(1)”; and

1 (bb) by inserting “use not
2 less than 30 percent of grant
3 funds to” before “collaborate”;

4 (III) in subparagraph (B), by
5 striking “(B) in the case of a grant
6 for the purpose described in sub-
7 section (a)(4),” and inserting “(2)”;
8 and

9 (IV) in subparagraph (C), by
10 striking “(C) in the case of a grant
11 for the purpose described in sub-
12 section (a),” and inserting “(3)”;

13 (3) by striking subsection (c) and inserting the
14 following:

15 “(c) AMOUNT OF GRANT.—

16 “(1) IN GENERAL.—From the amounts reserved
17 under sections 436(b)(2) and 437(b)(2) for a fiscal
18 year, each highest State court that has an applica-
19 tion approved under this section for the fiscal year
20 shall be entitled to payment of an amount equal to
21 the sum of—

22 “(A) \$255,000; and

23 “(B) the amount described in paragraph
24 (2) with respect to the court and the fiscal year.

1 “(2) AMOUNT DESCRIBED.—The amount de-
2 scribed in this paragraph with respect to a court and
3 a fiscal year is the amount that bears the same ratio
4 to the total of the amounts reserved under sections
5 436(b)(2) and 437(b)(2) for grants under this sec-
6 tion for the fiscal year (after applying paragraphs
7 (1)(A) and (3) of this subsection) as the number of
8 individuals in the State in which the court is located
9 who have not attained 21 years of age bears to the
10 total number of such individuals in all States with
11 a highest State court that has an approved applica-
12 tion under this section for the fiscal year.

13 “(3) INDIAN TRIBES.—From the amounts re-
14 served under section 436(b)(2) for a fiscal year, the
15 Secretary shall, before applying paragraph (1) of
16 this subsection, allocate \$5,000,000 for grants to be
17 awarded on a competitive basis among the highest
18 courts of Indian tribes or tribal consortia that—

19 “(A) are operating a program under part
20 E, in accordance with section 479B;

21 “(B) are seeking to operate a program
22 under part E and have received an implementa-
23 tion grant under section 476; or

24 “(C) have a court responsible for pro-
25 ceedings related to foster care or adoption.”.

1 (c) TECHNICAL AMENDMENTS.—Section 438(a) of
2 such Act (42 U.S.C. 629h(a)) is amended—

3 (1) in paragraph (1)—

4 (A) in subparagraph (D), by adding “and”
5 after the semicolon; and

6 (B) in subparagraph (E)(iii), by striking
7 “and” after the semicolon; and

8 (2) in paragraph (2), in the matter preceding
9 subparagraph (A), by striking “state” and inserting
10 “State”.

11 **SEC. 302. ADDITIONAL RESOURCES AND IMPROVEMENTS**
12 **FOR TRIBAL CHILD WELFARE PROGRAMS.**

13 (a) MINIMUM GRANT ELIGIBILITY THRESHOLD RE-
14 PLACED WITH MINIMUM GRANT AMOUNT.—

15 (1) ELIMINATION OF MINIMUM GRANT ELIGI-
16 BILITY THRESHOLD.—Section 432(b)(2) of the So-
17 cial Security Act (42 U.S.C. 629b(b)(2)) is amended
18 by striking subparagraph (B).

19 (2) MINIMUM GRANT AMOUNT.—Section 433(a)
20 of such Act (42 U.S.C. 629c(a)) is amended to read
21 as follows:

22 “(a) INDIAN TRIBES OR TRIBAL CONSORTIA.—

23 “(1) INDIAN TRIBES.—

24 “(A) IN GENERAL.—From the amount re-
25 served pursuant to section 436(b)(3) for any

1 fiscal year, the Secretary shall allot to each In-
 2 dian tribe with a plan approved under this sub-
 3 part—

4 “(i) \$10,000; plus

5 “(ii) an amount that bears the same
 6 ratio to the adjusted reserved amount as
 7 the number of children in the Indian tribe
 8 bears to the total number of children in all
 9 Indian tribes with State plans so approved,
 10 as determined by the Secretary on the
 11 basis of the most current and reliable in-
 12 formation available to the Secretary.

13 “(B) ADJUSTED RESERVE AMOUNT.—In
 14 subparagraph (A), the term ‘adjusted reserved
 15 amount’ means, with respect to a fiscal year—

16 “(i) the amount reserved pursuant to
 17 section 436(b)(3) for the fiscal year; minus

18 “(ii) the product of—

19 “(I) \$10,000; and

20 “(II) the number of Indian tribes
 21 to which an allotment is made under
 22 this subsection for the fiscal year.

23 “(2) TRIBAL CONSORTIA.—If a consortium of
 24 Indian tribes submits a plan approved under this
 25 subpart, the Secretary shall allot to the consortium

1 an amount equal to the sum of the allotments deter-
2 mined for each Indian tribe that is part of the con-
3 sortium.”.

4 (b) INCREASE IN THE TRIBAL SET-ASIDE OF MAN-
5 DATORY FUNDING TO PROMOTE SAFE AND STABLE FAM-
6 ILIES FUNDING.—Section 436(b)(3) of the Social Security
7 Act (42 U.S.C. 629f(b)(3)) is amended by striking “After
8 applying paragraphs (4) and (5) (but before applying
9 paragraphs (1) or (2)), the Secretary shall reserve 3 per-
10 cent” and inserting “The Secretary shall reserve 4.5 per-
11 cent”.

12 (c) AUTHORITY TO USE FUNDS TO FACILITATE AND
13 SUPPORT TRIBAL CUSTOMARY ADOPTIONS.—Section
14 432(b)(2) of the Social Security Act (42 U.S.C.
15 629b(b)(2)), as amended by subsection (a)(1), is amended
16 by adding at the end the following:

17 “(B) AUTHORITY TO USE FUNDS FOR
18 TRIBAL CUSTOMARY ADOPTIONS.—An Indian
19 tribe or tribal consortium may use amounts
20 provided under this part to facilitate and sup-
21 port tribal customary adoptions.”.

22 (d) STREAMLINING OF APPLICATION AND REPORT-
23 ING REQUIREMENTS.—

1 (1) APPLICATION REQUIREMENTS.—Section
2 432(b)(2)(A) of the Social Security Act (42 U.S.C.
3 629b(b)(2)(A)) is amended—

4 (A) by striking “subsection (a)(4) of this
5 section” and inserting “paragraphs (2), (4),
6 and (5) of subsection (a)”; and

7 (B) by adding at the end the following:

8 “The Secretary shall exempt a plan of an In-
9 dian tribe or tribal consortium from the re-
10 quirements of paragraphs (2) and (5) of sub-
11 section (a) for a fiscal year if the total amount
12 provided to the Indian tribe or tribal consor-
13 tium under this subpart for the fiscal year is
14 less than \$50,000. If the Secretary exempts a
15 plan of an Indian tribe or tribal consortium
16 from a requirement of paragraph (2) or (5) of
17 subsection (a), the Indian tribe or tribal consor-
18 tium may provide the Secretary with the rel-
19 evant information in a streamlined form.”.

20 (2) REPORTING REQUIREMENTS.—Section 428
21 of such Act (42 U.S.C. 628) is amended by adding
22 at the end the following:

23 “(d) AUTHORITY TO STREAMLINE REPORTING RE-
24 QUIREMENTS.—The Secretary may modify any reporting
25 requirement imposed by or under this part on an Indian

1 tribe, tribal organization, or tribal consortium, as the Sec-
 2 retary deems appropriate, taking into account the re-
 3 sources, needs, and other circumstances of the Indian
 4 tribe, tribal organization, or tribal consortium.”.

5 (e) USE OF IN-KIND EXPENDITURES TO MEET
 6 TRIBAL MATCHING RATE UNDER THE STEPHANIE TUBBS
 7 JONES CHILD WELFARE SERVICES PROGRAM.—Section
 8 428 of the Social Security Act (42 U.S.C. 628), as amend-
 9 ed by subsection (e)(2), is amended by adding at the end
 10 the following:

11 “(e) USE OF IN-KIND EXPENDITURES TO MEET
 12 MATCHING RATE.—In determining the amount expended
 13 by an Indian tribe for activities under this subpart, the
 14 Secretary may take into account in-kind expenditures of
 15 the Indian tribe.”.

16 (f) AUTHORITY OF INDIAN TRIBAL ORGANIZATION
 17 TO ELECT TO SUBSTITUTE THE FEDERAL NEGOTIATED
 18 INDIRECT COST RATE FOR ADMINISTRATIVE COSTS
 19 CAP.—Section 428 of the Social Security Act (42 U.S.C.
 20 628), as amended by subsections (e)(2) and (f), is amend-
 21 ed by adding at the end the following:

22 “(f) TRIBAL AUTHORITY TO SUBSTITUTE THE FED-
 23 ERAL NEGOTIATED INDIRECT COST RATE FOR ADMINIS-
 24 TRATIVE COSTS CAP.—For purposes of sections
 25 422(b)(14) and 424(e), an Indian tribal organization may

1 elect to have the weighted average of the indirect cost
2 rates in effect under part 225 of title 2, Code of Federal
3 Regulations (OMB Circular A–87) with respect to the ad-
4 ministrative costs of the Indian tribal organization apply
5 in lieu of the percentage specified in each such section.”.

6 **SEC. 303. EFFECTIVE DATE.**

7 (a) IN GENERAL.—Except as provided in subsections
8 (b) and (c), the amendments made by this Act take effect
9 on October 1, 2019.

10 (b) IN GENERAL.—In the case of a State plan under
11 part B or E of title IV of the Social Security Act which
12 the Secretary of Health and Human Services determines
13 requires State legislation (other than legislation appro-
14 priating funds) in order for the plan to meet the additional
15 requirements imposed by the amendments made by this
16 Act, the State plan shall not be regarded as failing to com-
17 ply with the requirements of such part solely on the basis
18 of the failure of the plan to meet such additional require-
19 ments before the first day of the first calendar quarter
20 beginning after the close of the first regular session of the
21 State legislature that begins after the date of enactment
22 of this Act. For purposes of the previous sentence, in the
23 case of a State that has a 2-year legislative session, each
24 year of the session shall be deemed to be a separate reg-
25 ular session of the State legislature.

1 (c) APPLICATION TO PROGRAMS OPERATED BY IN-
2 DIAN TRIBAL ORGANIZATIONS.—In the case of an Indian
3 tribe, tribal organization, or tribal consortium which the
4 Secretary of Health and Human Services determines re-
5 quires time to take action necessary to comply with the
6 additional requirements imposed by the amendments made
7 by this Act (whether the tribe, organization, or tribal con-
8 sortium has a plan under section 479B of the Social Secu-
9 rity Act or a cooperative agreement or contract entered
10 into with a State), the Secretary shall provide the tribe,
11 organization, or tribal consortium with such additional
12 time as the Secretary determines is necessary for the tribe,
13 organization, or tribal consortium to take the action to
14 comply with the additional requirements before being re-
15 garded as failing to comply with the requirements.

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