

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2866
OFFERED BY MR. BRADY OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Reducing Unnecessary
3 Barriers for Relative Foster Parents Act”.

**4 SEC. 2. REVIEWING AND IMPROVING LICENSING STAND-
5 ARDS FOR PLACEMENT IN A RELATIVE FOS-
6 TER FAMILY HOME.**

7 (a) IDENTIFICATION OF REPUTABLE MODEL LI-
8 CENSING STANDARDS.—Not later than October 1, 2018,
9 the Secretary of Health and Human Services shall identify
10 reputable model licensing standards with respect to the li-
11 censing of foster family homes (as defined in section
12 472(c)(1) of the Social Security Act).

13 (b) STATE PLAN REQUIREMENT.—Section 471(a) of
14 the Social Security Act (42 U.S.C. 671(a)) is amended—

15 (1) in paragraph (34)(B), by striking “and”
16 after the semicolon;

17 (2) in paragraph (35)(B), by striking the period
18 at the end and inserting a semicolon; and

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

2 “(36) provides that, not later than April 1,
3 2019, the State shall submit to the Secretary infor-
4 mation addressing—

5 “(A) whether the State licensing standards
6 are in accord with model standards identified
7 by the Secretary, and if not, the reason for the
8 specific deviation and a description as to why
9 having a standard that is reasonably in accord
10 with the corresponding national model stand-
11 ards is not appropriate for the State;

12 “(B) whether the State has elected to
13 waive standards established in 471(a)(10)(A)
14 for relative foster family homes (pursuant to
15 waiver authority provided by 471(a)(10)(D)), a
16 description of which standards the State most
17 commonly waives, and if the State has not
18 elected to waive the standards, the reason for
19 not waiving these standards;

20 “(C) if the State has elected to waive
21 standards specified in subparagraph (B), how
22 caseworkers are trained to use the waiver au-
23 thority and whether the State has developed a
24 process or provided tools to assist caseworkers
25 in waiving nonsafety standards per the author-

1 ity provided in 471(a)(10)(D) to quickly place
2 children with relatives; and

3 “(D) a description of the steps the State is
4 taking to improve caseworker training or the
5 process, if any; and”.

6 **SEC. 3. EFFECTIVE DATE.**

7 (a) **EFFECTIVE DATE.**—Subject to subsection (b),
8 the amendments made by this Act shall take effect on the
9 date of enactment of this Act.

10 (b) **TRANSITION RULE.**—

11 (1) **IN GENERAL.**—In the case of a State plan
12 under part E of title IV of the Social Security Act
13 which the Secretary of Health and Human Services
14 determines requires State legislation (other than leg-
15 islation appropriating funds) in order for the plan to
16 meet the additional requirements imposed by the
17 amendments made by this Act, the State plan shall
18 not be regarded as failing to comply with the re-
19 quirements of such part solely on the basis of the
20 failure of the plan to meet such additional require-
21 ments before the first day of the first calendar quar-
22 ter beginning after the close of the first regular ses-
23 sion of the State legislature that begins after the
24 date of enactment of this Act. For purposes of the
25 previous sentence, in the case of a State that has a

1 2-year legislative session, each year of the session
2 shall be deemed to be a separate regular session of
3 the State legislature.

4 (2) APPLICATION TO PROGRAMS OPERATED BY
5 INDIAN TRIBAL ORGANIZATIONS.—In the case of an
6 Indian tribe, tribal organization, or tribal consortium
7 which the Secretary of Health and Human Services
8 determines requires time to take action necessary to
9 comply with the additional requirements imposed by
10 the amendments made by this Act (whether the
11 tribe, organization, or tribal consortium has a plan
12 under section 479B of the Social Security Act or a
13 cooperative agreement or contract entered into with
14 a State), the Secretary shall provide the tribe, orga-
15 nization, or tribal consortium with such additional
16 time as the Secretary determines is necessary for the
17 tribe, organization, or tribal consortium to take the
18 action to comply with the additional requirements
19 before being regarded as failing to comply with the
20 requirements.

