

Congress of the United States
Washington, DC 20515

December 5, 2023

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
330 C St. SW
Washington, D.C. 20201

RE: FRN Doc. 2023-23391: Title IV-E Prevention Services Clearinghouse Handbook of Standards and Procedures, Draft Version 2.0

Dear Secretary Becerra:

As leaders of the Committees with jurisdiction over child welfare programs authorized under Title IV-E of the Social Security Act, we write to provide comment on the Administration for Children and Families (ACF) proposed “Title IV-E Prevention Services Clearinghouse Handbook of Standards and Procedures, Draft Version 2.0” (“Handbook”). We appreciate many of the revisions that ACF is proposing to the Handbook, which is aimed at improving the Title IV-E Prevention Services Clearinghouse (“Clearinghouse”) established by Congress in the bipartisan *Family First Prevention Services Act* (FFPSA). However, we urge ACF to consider further revisions to the Handbook to ensure the Clearinghouse approves evidence-based programs and services in a more transparent, timely, and efficient manner, consistent with the bipartisan Congressional intent reflected in FFPSA.

FFPSA was a milestone law that aimed to ensure more children could grow and develop to their full potential in safe, stable, and loving homes, with their own families whenever possible. A principal goal of FFPSA was to prevent foster care placements, and the law allows states to receive Title IV-E reimbursement for interventions and programs such as mental health and substance use disorder treatment, parenting skills, and kinship navigator services that meet certain levels of effectiveness, as determined by a public clearinghouse. A robust and functional Clearinghouse, which includes a diverse range of evidence-based interventions for states to implement, is at the heart of FFPSA. Without it, the law cannot produce the results Congress intended.

In an effort to increase the number of available interventions for states, our Committees have worked together on a bipartisan and bicameral basis to provide supplemental funding for the Clearinghouse. Despite these efforts, interventions with a strong evidence base continue to struggle to navigate the approval process and are given little opportunity to rectify issues that arise with initial submissions. As a result, states have few options in many intervention categories. This has been particularly problematic in the case of kinship navigator programs, where states have been denied access to the Title IV-E federal match for several years due to the lack of approved programs in the Clearinghouse. Although Congress intended for states to

capitalize on the opportunity to utilize new funds to serve families, only 17 states and one tribe made FFPSA claims in fiscal year 2022, in part due to the lack of eligible programs approved by the Clearinghouse.

Congress did not intend for the Clearinghouse to be an academic review process. Instead, Congress envisioned an entity that proactively reviewed the latest research and provided a wide variety of evidence-based intervention options that ensure states can invest in programs that are proven to support children and families, and best fit local needs. Despite this, a relatively small number of interventions have been reviewed, an even smaller number have been given a “supported” or “well-supported” designation, and outside stakeholders have reported that the process has been slow and opaque. Although the final decision on which interventions qualify for federal funding should be made by the Clearinghouse, we encourage ACF to consider how the federal review process could be expedited for interventions that have received rigorous review by non-Federal clearinghouses. We also urge the Clearinghouse to proactively review interventions, similar to the HHS Home Visiting Evidence of Effectiveness (“HomVEE”) clearinghouse.

We also continue to be concerned about the lack of communication between the Clearinghouse and study authors and developers. We have received feedback that the Clearinghouse frequently makes decisions without giving study authors and developers the opportunity to gather relevant information in the decision-making process. In some cases, interventions have been rejected by the Clearinghouse because of the way the results were calculated, not because the results themselves failed to provide evidence of effectiveness. We urge the Clearinghouse to foster transparency and collaboration with developers and researchers by communicating more details during the review process in the following ways including but not limited to:

- Considering a specific time frame for reviewing programs to provide developers and researchers transparency;
- Creating a feedback loop to allow developers and researchers to provide missing studies and data that are relevant to the program if additional research is needed before a final rating is provided; and
- Providing developers and researchers the opportunity to understand why studies do not meet criteria and how they can be improved.

We look forward to working with you to ensure that the administration of the Clearinghouse supports the full implementation of FFPSA and our goal of ensuring that our most vulnerable children and families have every chance of success. Thank you for your attention to this urgent priority.

Sincerely,



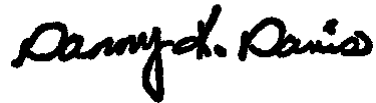
Senator Ron Wyden
Chairman
Senate Committee on Finance



Mike Crapo
Ranking Member
Senate Committee on Finance



Darin LaHood
Chairman
Subcommittee on Work and Welfare
Committee on Ways and Means



Danny Davis
Ranking Member
Subcommittee on Worker & Family Support
Committee on Ways and Means

Cc: The Honorable Lauren Supplee
Deputy Assistant Secretary for Planning, Research, and Evaluation