

AMENDMENT TO DIVISION A OF RULES
COMMITTEE PRINT 116-17
OFFERED BY MR. KELLY OF PENNSYLVANIA

At the end of the division (before the short title), insert the following:

1 SEC. _____. (a) The Federal Government, and any
2 State or local government that receives Federal funding
3 for any program that provides child welfare services under
4 part B or part E of title IV of the Social Security Act
5 (and any subdivision, office, or department of such State),
6 shall not discriminate or take an adverse action against
7 a child welfare service provider on the basis that the pro-
8 vider has declined or will decline to provide, facilitate, or
9 refer for a child welfare service that conflicts with, or
10 under circumstances that conflict with, the provider's sin-
11 cerely held religious beliefs or moral convictions.

12 (b) The Secretary of Health and Human Services
13 shall withhold from a State or local government 15 percent
14 of the Federal funds the State or local government re-
15 ceives for a program that provides child welfare services
16 under part B or part E of title IV of the Social Security
17 Act if the State or local government violates subsection

1 (a) when administering or disbursing funds under such
2 program.

3 (c)(1) A child welfare service provider aggrieved by
4 a violation of subsection (a) may assert that violation as
5 a claim or defense in a judicial proceeding and obtain all
6 appropriate relief, including declaratory relief, injunctive
7 relief, and compensatory damages, with respect to that
8 violation.

9 (2) A child welfare service provider that prevails in
10 an action by establishing a violation of subsection (a) is
11 entitled to recover reasonable attorneys' fees and costs.

12 (3) By accepting or expending Federal funds in con-
13 nection with a program that provides child welfare services
14 under part B or part E of title IV of the Social Security
15 Act, a State waives its sovereign immunity for any claim
16 or defense that is raised under this subsection.

17 (d) For purposes of this section:

18 (1) The term "child welfare service provider"
19 includes organizations, corporations, groups, entities,
20 or individuals that provide or seek to provide, or
21 that apply for or receive a contract, subcontract,
22 grant, or subgrant for the provision of, child welfare
23 services. The provider need not be engaged exclu-
24 sively in child welfare services to be considered a
25 child welfare service provider.

1 (2) The term “child welfare services” means so-
2 cial services provided to or on behalf of children, in-
3 cluding assisting abused, neglected, or troubled chil-
4 dren, counseling children or parents, promoting fos-
5 ter parenting, providing foster homes or temporary
6 group shelters for children, recruiting foster parents,
7 placing children in foster homes, licensing foster
8 homes, promoting adoption, recruiting adoptive par-
9 ents, assisting adoptions, supporting adoptive fami-
10 lies, assisting kinship guardianships, assisting kin-
11 ship caregivers, providing family preservation serv-
12 ices, providing family support services, and providing
13 time-limited family reunification services.

14 (3) The term “State” includes any of the sev-
15 eral States, the District of Columbia, any common-
16 wealth, territory or possession of the United States,
17 and any political subdivision thereof.

18 (4) The terms “funding”, “funded”, or “funds”
19 include money paid pursuant to a contract, grant,
20 voucher, or similar means.

21 (5) The term “adverse action” includes, but is
22 not limited to, denying a child welfare service pro-
23 vider’s application for funding, refusing to renew the
24 provider’s funding, canceling the provider’s funding,
25 declining to enter into a contract with the provider,

1 refusing to renew a contract with the provider, can-
2 celing a contract with the provider, declining to issue
3 a license to the provider, refusing to renew the pro-
4 vider's license, canceling the provider's license, ter-
5 minating the provider's employment, or any other
6 adverse action that materially alters the terms or
7 conditions of the provider's employment, funding,
8 contract, or license.

