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:

SEC. _____. (a) The Federal Government, and any State or local government that receives Federal funding for any program that provides child welfare services under part B or part E of title IV of the Social Security Act (and any subdivision, office, or department of such State), shall not discriminate or take an adverse action against a child welfare service provider on the basis that the provider has declined or will decline to provide, facilitate, or refer for a child welfare service that conflicts with, or under circumstances that conflict with, the provider’s sincerely held religious beliefs or moral convictions.

(b) The Secretary of Health and Human Services shall withhold from a State or local government 15 percent of the Federal funds the State or local government receives for a program that provides child welfare services under part B or part E of title IV of the Social Security Act if the State or local government violates subsection
(a) when administering or disbursing funds under such program.

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

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

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

(d) For purposes of this section:

(1) The term “child welfare service provider” includes organizations, corporations, groups, entities, or individuals that provide or seek to provide, or that apply for or receive a contract, subcontract, grant, or subgrant for the provision of, child welfare services. The provider need not be engaged exclusively in child welfare services to be considered a child welfare service provider.
(2) The term “child welfare services” means social services provided to or on behalf of children, including assisting abused, neglected, or troubled children, counseling children or parents, promoting foster parenting, providing foster homes or temporary group shelters for children, recruiting foster parents, placing children in foster homes, licensing foster homes, promoting adoption, recruiting adoptive parents, assisting adoptions, supporting adoptive families, assisting kinship guardianships, assisting kinship caregivers, providing family preservation services, providing family support services, and providing time-limited family reunification services.

(3) The term “State” includes any of the several States, the District of Columbia, any commonwealth, territory or possession of the United States, and any political subdivision thereof.

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

(5) The term “adverse action” includes, but is not limited to, denying a child welfare service provider’s application for funding, refusing to renew the provider’s funding, canceling the provider’s funding, declining to enter into a contract with the provider,
refusing to renew a contract with the provider, canceling a contract with the provider, declining to issue a license to the provider, refusing to renew the provider’s license, canceling the provider’s license, terminating the provider’s employment, or any other adverse action that materially alters the terms or conditions of the provider’s employment, funding, contract, or license.