H. R. 628

To amend part A of title IV of the Social Security Act to temporarily reinstate, with certain adjustments, the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 10, 2011

Mr. CLEAVER introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend part A of title IV of the Social Security Act to temporarily reinstate, with certain adjustments, the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. TEMPORARY REINSTATEMENT OF THE EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS.

(a) In General.—Section 403 of the Social Security Act (42 U.S.C. 603) is amended by adding at the end the following:

“(c) Emergency Fund.—

“(1) Establishment.—There is established in the Treasury of the United States a fund which shall be known as the ‘Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs’ (in this subsection referred to as the ‘Emergency Fund’).

“(2) Deposits into Fund.—

“(A) In general.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2011, $20,000,000,000 for payment to the Emergency Fund.

“(B) Availability and use of funds.—The amounts appropriated to the Emergency Fund under subparagraph (A) shall remain available through fiscal year 2018 and shall be used to make grants to States in each of fiscal
years 2011 through 2018 in accordance with
the requirements of paragraph (3).

“(C) LIMITATION.—In no case may the
Secretary make a grant from the Emergency
Fund for a fiscal year after fiscal year 2018.

“(3) GRANTS.—

“(A) GRANT RELATED TO CASELOAD IN-
CREASES.—

“(i) IN GENERAL.—For each calendar
quarter in fiscal year 2011 through 2018,
the Secretary shall make a grant from the
Emergency Fund to each State that—

“(I) requests a grant under this
subparagraph for the quarter; and

“(II) meets the requirement of
clause (ii) for the quarter.

“(ii) CASELOAD INCREASE REQUIRE-
MENT.—A State meets the requirement of
this clause for a quarter in a fiscal year if
the average monthly assistance caseload of
the State for the quarter exceeds the aver-
age monthly assistance caseload of the
State for the corresponding quarter in the
preceding fiscal year.
“(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagrapgh for a quarter in a fiscal year shall be an amount equal to 80 percent of the amount (if any) by which the total expenditures of the State for basic assistance (as defined by the Secretary) in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total expenditures of the State for such assistance for the corresponding quarter in the preceding fiscal year.

“(B) GRANT RELATED TO INCREASED EXPENDITURES FOR NON-RECURRENT SHORT TERM BENEFITS.—

“(i) IN GENERAL.—For each calendar quarter in fiscal year 2011 through 2018, the Secretary shall make a grant from the Emergency Fund to each State that—

“(I) requests a grant under this subparagraph for the quarter; and

“(II) meets the requirement of clause (ii) for the quarter.
“(ii) Non-recurrent short term expenditure requirement.—A State meets the requirement of this clause for a quarter in a fiscal year if the total expenditures of the State for non-recurrent short term benefits in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total expenditures of the State for non-recurrent short term benefits in the corresponding quarter in the preceding fiscal year.

“(iii) Amount of grant.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).

“(C) Grant related to increased expenditures for subsidized employment.—

“(i) In general.—For each calendar quarter in fiscal year 2011 through 2018, the Secretary shall make a grant from the Emergency Fund to each State that—
“(I) requests a grant under this subparagraph for the quarter; and

“(II) meets the requirement of clause (ii) for the quarter.

“(ii) Subsidized Employment Expenditure Requirement.—A State meets the requirement of this clause for a quarter in a fiscal year if the total expenditures of the State for subsidized employment in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total such expenditures of the State in the corresponding quarter in the preceding fiscal year.

“(iii) Amount of Grant.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).

“(4) Authority to Make Necessary Adjustments to Data and Collect Needed Data.—In determining the size of the caseload of a State and the expenditures of a State for basic assistance, non-
recurrent short-term benefits, and subsidized em-
ployment, during any period for which the State re-
quests funds under this subsection, the Secretary
may make appropriate adjustments to the data, on
a State-by-State basis, to ensure that the data are
comparable with respect to the groups of families
served and the types of aid provided. The Secretary
may develop a mechanism for collecting expenditure
data, including procedures which allow States to
make reasonable estimates, and may set deadlines
for making revisions to the data.

“(5) LIMITATION.—The total amount payable
to a single State under subsection (b) and this sub-
section for fiscal years 2011 through 2018 combined
shall not exceed 50 percent of the annual State fam-
ily assistance grant.

“(6) LIMITATIONS ON USE OF FUNDS.—A State
to which an amount is paid under this subsection
may use the amount only as authorized by section
404.

“(7) TIMING OF IMPLEMENTATION.—The Sec-
retary shall implement this subsection as quickly as
reasonably possible, pursuant to appropriate guid-
ance to States.
“(8) APPLICATION TO INDIAN TRIBES.—This subsection shall apply to an Indian tribe with an approved tribal family assistance plan under section 412 in the same manner as this subsection applies to a State.

“(9) DEFINITIONS.—In this subsection:

“(A) AVERAGE MONTHLY ASSISTANCE CASELOAD DEFINED.—The term ‘average monthly assistance caseload’ means, with respect to a State and a quarter, the number of families receiving assistance during the quarter under the State program funded under this part or as qualified State expenditures, subject to adjustment under paragraph (4).

“(B) QUALIFIED STATE EXPENDITURES.—The term ‘qualified State expenditures’ has the meaning given the term in section 409(a)(7).”.

(b) DISREGARD FROM LIMITATION ON TOTAL PAYMENTS TO TERRITORIES.—Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by inserting “403(c)(3),” after “403(a)(5),”.

(c) ELIMINATION OF MODIFICATION OF CASELOAD REDUCTION CREDIT.—

is amended by striking “(or if the immediately pre-
ceding fiscal year is fiscal year 2008, 2009, or 2010,
then, at State option, during the emergency fund
base year of the State with respect to the average
monthly assistance caseload of the State (within the
meaning of section 403(c)(9)), except that, if a State
elects such option for fiscal year 2008, the emer-
gency fund base year of the State with respect to
such caseload shall be fiscal year 2007))”.

(2) CONFORMING AMENDMENTS.—Section 2101
of the American Recovery and Reinvestment Act of
2009 (Public Law 111–5; 123 Stat. 446–449) is
amended—

(A) in subsection (a)(2), by striking “, ex-
cept that paragraph (9) of such subsection shall
remain in effect until October 1, 2011, but only
with respect to section 407(b)(3)(A)(i) of such
Act”; and

(B) in subsection (d), by striking para-
graph (2).

(d) SUNSET.—Effective October 1, 2018:

(1) EMERGENCY FUND.—Section 403 of the So-
cial Security Act (42 U.S.C. 603) (as added by para-
graph (1)) is amended by striking subsection (c) (as
added by subsection (a) of this section).
(2) Disregard from limitation on total payments to territories.—Section 1108(a)(2) of such Act (42 U.S.C. 1308(a)(2)) is amended by striking “403(c)(3),” (as added by subsection (b) of this section).