

**AMENDMENT TO LABOR, HHS, EDUCATION
APPROPRIATIONS BILL, 2019**

OFFERED BY MR. ADERHOLT OF ALABAMA

At the end of the bill (before the spending reduction account), 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,

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.

