

112TH CONGRESS  
1ST SESSION

# 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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2011

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

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## 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.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. TEMPORARY REINSTATEMENT OF THE EMER-**  
2 **GENCY CONTINGENCY FUND FOR STATE TEM-**  
3 **PORARY ASSISTANCE FOR NEEDY FAMILIES**  
4 **PROGRAMS.**

5 (a) IN GENERAL.—Section 403 of the Social Security  
6 Act (42 U.S.C. 603) is amended by adding at the end the  
7 following:

8 “(c) EMERGENCY FUND.—

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

15 “(2) DEPOSITS INTO FUND.—

16 “(A) IN GENERAL.—Out of any money in  
17 the Treasury of the United States not otherwise  
18 appropriated, there are appropriated for fiscal  
19 year 2011, \$20,000,000,000 for payment to the  
20 Emergency Fund.

21 “(B) AVAILABILITY AND USE OF FUNDS.—

22 The amounts appropriated to the Emergency  
23 Fund under subparagraph (A) shall remain  
24 available through fiscal year 2018 and shall be  
25 used to make grants to States in each of fiscal

1 years 2011 through 2018 in accordance with  
2 the requirements of paragraph (3).

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

6 “(3) GRANTS.—

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

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

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

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

17 “(ii) CASELOAD INCREASE REQUIRE-  
18 MENT.—A State meets the requirement of  
19 this clause for a quarter in a fiscal year if  
20 the average monthly assistance caseload of  
21 the State for the quarter exceeds the aver-  
22 age monthly assistance caseload of the  
23 State for the corresponding quarter in the  
24 preceding fiscal year.

1           “(iii) AMOUNT OF GRANT.—Subject to  
2 paragraph (5), the amount of the grant to  
3 be made to a State under this subpara-  
4 graph for a quarter in a fiscal year shall  
5 be an amount equal to 80 percent of the  
6 amount (if any) by which the total expend-  
7 itures of the State for basic assistance (as  
8 defined by the Secretary) in the quarter,  
9 whether under the State program funded  
10 under this part or as qualified State ex-  
11 penditures, exceeds the total expenditures  
12 of the State for such assistance for the  
13 corresponding quarter in the preceding fis-  
14 cal year.

15           “(B) GRANT RELATED TO INCREASED EX-  
16 PENDITURES FOR NON-RECURRENT SHORT  
17 TERM BENEFITS.—

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

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

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

1           “(ii) NON-RECURRENT SHORT TERM  
2           EXPENDITURE REQUIREMENT.—A State  
3           meets the requirement of this clause for a  
4           quarter in a fiscal year if the total expendi-  
5           tures of the State for non-recurrent short  
6           term benefits in the quarter, whether  
7           under the State program funded under this  
8           part or as qualified State expenditures, ex-  
9           ceeds the total expenditures of the State  
10          for non-recurrent short term benefits in  
11          the corresponding quarter in the preceding  
12          fiscal year.

13          “(iii) AMOUNT OF GRANT.—Subject to  
14          paragraph (5), the amount of the grant to  
15          be made to a State under this subpara-  
16          graph for a quarter shall be an amount  
17          equal to 80 percent of the excess described  
18          in clause (ii).

19          “(C) GRANT RELATED TO INCREASED EX-  
20          PENDITURES FOR SUBSIDIZED EMPLOYMENT.—

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

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

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

5                   “(ii) SUBSIDIZED EMPLOYMENT EX-  
6                   PENDITURE REQUIREMENT.—A State  
7                   meets the requirement of this clause for a  
8                   quarter in a fiscal year if the total expendi-  
9                   tures of the State for subsidized employ-  
10                  ment in the quarter, whether under the  
11                  State program funded under this part or  
12                  as qualified State expenditures, exceeds the  
13                  total such expenditures of the State in the  
14                  corresponding quarter in the preceding fis-  
15                  cal year.

16                  “(iii) AMOUNT OF GRANT.—Subject to  
17                  paragraph (5), the amount of the grant to  
18                  be made to a State under this subpara-  
19                  graph for a quarter shall be an amount  
20                  equal to 80 percent of the excess described  
21                  in clause (ii).

22                  “(4) AUTHORITY TO MAKE NECESSARY ADJUST-  
23                  MENTS TO DATA AND COLLECT NEEDED DATA.—In  
24                  determining the size of the caseload of a State and  
25                  the expenditures of a State for basic assistance, non-

1 recurrent short-term benefits, and subsidized em-  
2 ployment, during any period for which the State re-  
3 quests funds under this subsection, the Secretary  
4 may make appropriate adjustments to the data, on  
5 a State-by-State basis, to ensure that the data are  
6 comparable with respect to the groups of families  
7 served and the types of aid provided. The Secretary  
8 may develop a mechanism for collecting expenditure  
9 data, including procedures which allow States to  
10 make reasonable estimates, and may set deadlines  
11 for making revisions to the data.

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

17 “(6) LIMITATIONS ON USE OF FUNDS.—A State  
18 to which an amount is paid under this subsection  
19 may use the amount only as authorized by section  
20 404.

21 “(7) TIMING OF IMPLEMENTATION.—The Sec-  
22 retary shall implement this subsection as quickly as  
23 reasonably possible, pursuant to appropriate guid-  
24 ance to States.

1           “(8) APPLICATION TO INDIAN TRIBES.—This  
2 subsection shall apply to an Indian tribe with an ap-  
3 proved tribal family assistance plan under section  
4 412 in the same manner as this subsection applies  
5 to a State.

6           “(9) DEFINITIONS.—In this subsection:

7           “(A) AVERAGE MONTHLY ASSISTANCE  
8 CASELOAD DEFINED.—The term ‘average  
9 monthly assistance caseload’ means, with re-  
10 spect to a State and a quarter, the number of  
11 families receiving assistance during the quarter  
12 under the State program funded under this  
13 part or as qualified State expenditures, subject  
14 to adjustment under paragraph (4).

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

18           (b) DISREGARD FROM LIMITATION ON TOTAL PAY-  
19 MENTS TO TERRITORIES.—Section 1108(a)(2) of the So-  
20 cial Security Act (42 U.S.C. 1308(a)(2)) is amended by  
21 inserting “403(c)(3),” after “403(a)(5),”.

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

24           (1) IN GENERAL.—Section 407(b)(3)(A)(i) of  
25 the Social Security Act (42 U.S.C. 607(b)(3)(A)(i))



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

10 (2) CONFORMING AMENDMENTS.—Section 2101  
11 of the American Recovery and Reinvestment Act of  
12 2009 (Public Law 111–5; 123 Stat. 446–449) is  
13 amended—

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

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

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

22 (1) EMERGENCY FUND.—Section 403 of the So-  
23 cial Security Act (42 U.S.C. 603) (as added by para-  
24 graph (1)) is amended by striking subsection (c) (as  
25 added by subsection (a) of this section).

1           (2) DISREGARD FROM LIMITATION ON TOTAL  
2 PAYMENTS TO TERRITORIES.—Section 1108(a)(2) of  
3 such Act (42 U.S.C. 1308(a)(2)) is amended by  
4 striking “403(c)(3),” (as added by subsection (b) of  
5 this section).

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