

116TH CONGRESS  
2D SESSION

# S. 4770

To amend the Social Security Act to provide for a Family Crisis Cash Assistance Program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30 (legislative day, SEPTEMBER 29), 2020

Mr. SCHATZ (for himself and Mr. MERKLEY) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Social Security Act to provide for a Family Crisis Cash Assistance Program, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Family Crisis Cash  
5 Assistance Act”.

6 **SEC. 2. FAMILY CRISIS CASH ASSISTANCE PROGRAM.**

7 (a) ESTABLISHMENT.—The Social Security Act (42  
8 U.S.C. 301 et seq.) is amended by inserting after title XII  
9 the following new title:

1       **“TITLE XIII—FAMILY CRISIS**  
 2       **CASH ASSISTANCE PROGRAM**

“TABLE OF CONTENTS OF TITLE

“Sec. 1301. Family Crisis Cash Assistance Program.

“Sec. 1302. Payments to States for family assistance.

“Sec. 1303. Family crisis cash assistance payments.

“Sec. 1304. State plans for family crisis cash assistance.

“Sec. 1305. Requirements.

“Sec. 1306. Failure of State to make cash assistance payments or comply with requirements.

“Sec. 1307. Administration of title.

“Sec. 1308. Definitions.

3       **“SEC. 1301. FAMILY CRISIS CASH ASSISTANCE PROGRAM.**

4           “(a) PURPOSE.—The purpose of this title is to pro-  
 5 vide funds to States for making family cash assistance  
 6 payments to vulnerable families during major natural dis-  
 7 asters or economic downturns.

8           “(b) APPROPRIATIONS.—

9               “(1) IN GENERAL.—There are authorized to be  
 10 appropriated for each fiscal year such sums as are  
 11 necessary to carry out the purposes of this title. The  
 12 sums made available under this subsection shall be  
 13 used—

14               “(A) for making payments under this title  
 15 to States which have submitted, and had ap-  
 16 proved by the Secretary, State plans for family  
 17 crisis cash assistance under section 1304;

18               “(B) for making cash assistance payments  
 19 on behalf of States to eligible households under  
 20 section 1303 pursuant to section 1306;

1           “(C) to provide planning grants under sub-  
2           section (c);

3           “(D) to provide technical assistance to  
4           States under section 1304(e)(2); and

5           “(E) to pay for State and Federal costs at-  
6           tributable to sharing data in accordance with  
7           section 1304(e)(2).

8           “(2) STATE ENTITLEMENT.—This subsection  
9           constitutes budget authority in advance of appro-  
10          priations Acts and represents the obligation of the  
11          Secretary to provide for the payment of amounts  
12          provided under this title.

13          “(3) LIMITATION ON FUNDING FOR TECHNICAL  
14          ASSISTANCE AND ADMINISTRATIVE COSTS.—

15                 “(A) IN GENERAL.—The total amount ap-  
16                 propriated for a fiscal year under this sub-  
17                 section for purposes of providing technical as-  
18                 sistance to States under section 1304(e)(2) or  
19                 paying for the costs of States and Federal  
20                 agencies attributable to sharing data in accord-  
21                 ance with section 1304(c)(2) shall not exceed  
22                 the amount specified under subparagraph (B).

23                 “(B) LIMITATION.—The amount specified  
24                 in this subparagraph is—

1 “(i) for each of fiscal years 2021  
2 through 2023, \$14,000,000,000; and

3 “(ii) for each fiscal year after fiscal  
4 year 2024, an amount equal to the greater  
5 of—

6 “(I) \$4,500,000,000; and

7 “(II) 3 percent of the average  
8 annual amount of all payments made  
9 to States under section 1302(a) for  
10 the 3-fiscal year period preceding such  
11 fiscal year.

12 “(c) PLANNING GRANTS.—

13 “(1) INITIAL PLANNING GRANTS.—

14 “(A) IN GENERAL.—The Secretary shall  
15 provide each State that submits an application  
16 in fiscal year 2021 with a planning grant in the  
17 amount determined for the State under sub-  
18 paragraph (B) for the purpose of developing a  
19 State plan for family crisis cash assistance  
20 under section 1304.

21 “(B) GRANT AMOUNT.—The amount deter-  
22 mined under this subparagraph with respect to  
23 a State is the product of—

24 “(i) \$10,000,000,000; and

25 “(ii) the quotient of—

1                   “(I) the number of households in  
2                   the State with a household income  
3                   that is less than 200 percent of the  
4                   Federal poverty line (as defined in  
5                   section 673(2) of the Omnibus Budget  
6                   Reconciliation Act of 1981, including  
7                   any revision required by such section,  
8                   applicable to a family of the size in-  
9                   volved); and

10                   “(II) the number of such house-  
11                   holds in all States.

12                   “(2) GRANTS TO UPDATE FAMILY CRISIS CASH  
13                   ASSISTANCE PLANS.—For each fiscal year after fis-  
14                   cal year 2021, the Secretary may provide any State  
15                   that wishes to update the family crisis cash assist-  
16                   ance plan of the State under section 1304 with a  
17                   grant in an amount that shall not exceed 50 percent  
18                   of an amount determined for the State in the same  
19                   manner as the amount determined for the State  
20                   under paragraph (1)(B).

21                   “(3) REPORTING.—Any State that receives a  
22                   planning grant under this subsection shall, not later  
23                   than 1 year after the State, submit a report (which  
24                   may be included in a report submitted under section



1 approved under section 1304, the Secretary shall pay to  
2 the State an amount equal to 100 percent of the amount  
3 of the cash assistance payments that the State is required  
4 to make for months that occur during such quarter under  
5 section 1303.

6 “(b) PAYMENTS FOR TECHNICAL ASSISTANCE AND  
7 ADMINISTRATIVE COSTS.—In addition to amounts paid to  
8 a State under subsection (a), the Secretary shall make  
9 payments to the State (in such amounts as the Secretary  
10 determines appropriate) to pay for administrative costs at-  
11 tributable to developing and implementing the State plan  
12 under this title.

13 “(c) TIMING AND MANNER OF PAYMENTS.—

14 “(1) IN GENERAL.—Prior to the beginning of  
15 each calendar quarter, the Secretary shall estimate  
16 the amount to which a State will be entitled under  
17 this title for such quarter, and shall pay to the  
18 State, in such installments as the Secretary may de-  
19 termine, the amount so estimated, reduced or in-  
20 creased to the extent of any overpayment or under-  
21 payment which the Secretary determines was made  
22 under this section to the State for any prior quarter  
23 and with respect to which adjustment has not al-  
24 ready been made under this subsection.

1           “(2) SPECIAL PAYMENT.—If a State becomes  
2           entitled to payments under this title for any month  
3           during a calendar quarter for which the Secretary  
4           estimated that the State would not be so entitled,  
5           the Secretary shall, not later than 14 days after the  
6           State becomes so entitled—

7                   “(A) re-estimate the amount to which the  
8           State will be entitled under this title for such  
9           quarter; and

10                   “(B) pay the amount so estimated (ad-  
11           justed for overpayments and underpayments as  
12           described in paragraph (1)) to the State.

13   **“SEC. 1303. FAMILY CRISIS CASH ASSISTANCE PAYMENTS.**

14           “(a) IN GENERAL.—Subject to subsections (b), (c),  
15           and (d), for each month that is a family assistance month  
16           with respect to a State with a plan approved under this  
17           title (as determined under subsection (g)(1)), the State  
18           shall make a cash assistance payment to each eligible  
19           household that resides in an emergency assistance area (as  
20           defined in subsection (g)(3)) in the State in an amount  
21           equal to—

22                   “(1) in the case of an eligible household that  
23           consists of 1 individual, \$2,000;

24                   “(2) in the case of an eligible household that  
25           consists of 2 individuals, \$3,000;

1           “(3) in the case of an eligible household that  
2 consists of 3 individuals, \$3,500; and

3           “(4) in the case of an eligible household that  
4 consists of 4 or more individuals, \$4,000.

5           “(b) INFLATION INCREASE.—For each fiscal year  
6 after fiscal year 2020, each amount specified in subsection  
7 (a) and subsection (d)(2) shall be equal to—

8           “(1) the amount that applied under such sub-  
9 section (as increased under this subsection, if appli-  
10 cable) for the preceding fiscal year; increased by

11           “(2) the percentage increase (if any) in the  
12 Consumer Price Index for all-urban consumers pub-  
13 lished by the Department of Labor for the 12-month  
14 period ending with the month before the first month  
15 of the fiscal year involved.

16           “(c) PROPORTIONAL REDUCTION.—A State shall ad-  
17 just on a pro rata basis the amounts paid to each eligible  
18 household under subsection (a) for a month (as increased  
19 under subsection (b) and, if applicable, reduced under sub-  
20 section (d)) to the extent that amount determined for the  
21 State and month under section 1302(c) is insufficient to  
22 make full payments under such subsection to all eligible  
23 households in the State.

24           “(d) PHASE-OUT.—

1           “(1) IN GENERAL.—Subject to paragraph (2),  
2           the amount payable to an eligible household under  
3           subsection (a) for a month (as increased under sub-  
4           section (b)) shall be reduced by a percentage equal  
5           to the number of percentage points by which the in-  
6           come of such household exceeds 200 percent of the  
7           Federal poverty line (as defined in section 673(2) of  
8           the Omnibus Budget Reconciliation Act of 1981, in-  
9           cluding any revision required by such section, appli-  
10          cable to a family of the size involved).

11           “(2) MINIMUM PAYMENT AMOUNT.—Subject to  
12          subsection (b), the amount payable to an eligible  
13          household under subsection (a) for a month shall not  
14          be reduced pursuant to this subsection to an amount  
15          that is less than \$200.

16           “(e) TIMELINESS.—A State that receives a payment  
17          under section 1302 for a month shall make the payments  
18          described in subsection (a) not less than 14 days after the  
19          receipt of such payment.

20           “(f) MANNER OF PAYMENT.—A State may use the  
21          following methods to make cash assistance payments to  
22          eligible households under this section:

23           “(1) Transferring amounts to an account held  
24          by, or established for, an eligible household at—

1           “(A) a community development financial  
2 institution (as defined in section 103 of the  
3 Community Banking and Financial Institutions  
4 Act of 1994 (12 U.S.C. 4701 note));

5           “(B) a minority deposit institution;

6           “(C) a community development credit  
7 union; or

8           “(D) another financial institution.

9           “(2) Providing an eligible household with a  
10 debit or credit card to access payment amounts.

11           “(3) By making such payments through the  
12 benefit transfer system of an existing cash benefit  
13 program administered by the State, such as the sup-  
14 plemental nutrition assistance program, a retirement  
15 benefit program, a welfare program, a disability as-  
16 sistance program, a housing assistance program, or  
17 an unemployment assistance program.

18           “(4) Any other method determined appropriate  
19 by the State and approved by the Secretary.

20           “(g) DEFINITIONS.—In this section:

21           “(1) FAMILY ASSISTANCE MONTH.—The term  
22 ‘family assistance month’ means, with respect to a  
23 State, a month occurring during any period that—

24           “(A) begins with the most recent month  
25 that is a trigger month for the State; and

1 “(B) ends with the earlier of—

2 “(i) the 11th consecutive month fol-  
3 lowing such trigger month that is not a  
4 trigger month for the State; and

5 “(ii) the first month following such  
6 trigger month that is—

7 “(I) if such trigger month is an  
8 economic trigger month, an economic  
9 recovery month; or

10 “(II) if such trigger month is a  
11 natural disaster trigger month, a nat-  
12 ural disaster recovery month.

13 “(2) TRIGGER MONTH.—

14 “(A) IN GENERAL.—The term ‘trigger  
15 month’ means, with respect to a State, a month  
16 in which—

17 “(i) the State’s average unemploy-  
18 ment rate for the 6 months preceding the  
19 month involved exceeds the lowest monthly  
20 unemployment rate for the State for the  
21 12 months preceding the month involved  
22 by at least 0.5 percentage points;

23 “(ii) the national average unemploy-  
24 ment rate for the 3 months preceding the  
25 month involved exceeds the lowest national

1 monthly unemployment rate for the 12  
2 months preceding the month involved by at  
3 least 0.5 percentage points;

4 “(iii) the number of applications for  
5 unemployment insurance benefits in the  
6 State for the month involved exceeds by at  
7 least 20 percent the average number of  
8 such applications for the 3 months pre-  
9 ceding the month involved; or

10 “(iv) a major disaster exists in the  
11 State for which assistance is authorized  
12 under section 408 of the Robert T. Staf-  
13 ford Disaster Relief and Emergency Assist-  
14 ance Act for individuals who live in an  
15 area of the State.

16 “(B) ECONOMIC TRIGGER MONTH.—The  
17 term ‘economic trigger month’ means a trigger  
18 month described in clause (i), (ii), or (iii) of  
19 subparagraph (A).

20 “(C) NATURAL DISASTER TRIGGER  
21 MONTH.—The term ‘natural disaster trigger  
22 month’ means a trigger month described in  
23 clause (iv) of subparagraph (A).

24 “(3) EMERGENCY ASSISTANCE AREA.—The  
25 term ‘emergency assistance area’ means, with re-

1 spect to a State and a month that is a family assist-  
2 ance month for the State—

3 “(A) if the month is a family assistance  
4 month on the basis of an economic trigger  
5 month, the entire State; and

6 “(B) if the month is a family assistance  
7 month only on the basis of a natural disaster  
8 trigger month, the area in the State for which  
9 assistance to individuals residing in such area is  
10 authorized under section 408 of the Robert T.  
11 Stafford Disaster Relief and Emergency Assist-  
12 ance Act.

13 “(4) RECOVERY MONTHS.—

14 “(A) ECONOMIC RECOVERY MONTH.—

15 “(i) IN GENERAL.—Subject to clause  
16 (ii), the term ‘economic recovery month’  
17 means, with respect to a State, the first  
18 month following an economic trigger  
19 month in which the State’s average unem-  
20 ployment rate for the 6 months preceding  
21 the month involved does not exceed the  
22 State’s average unemployment rate for the  
23 6 months preceding the month before such  
24 economic trigger month by more than 2  
25 percentage points.

1           “(ii) REQUIREMENT.—A month shall  
2           not be an economic recovery month unless  
3           at least 6 consecutive months preceding  
4           such month were not trigger months.

5           “(B) NATURAL DISASTER RECOVERY  
6           MONTH.—

7           “(i) IN GENERAL.—Subject to clause  
8           (ii), the term ‘natural disaster recovery  
9           month’ means, with respect to a State, the  
10          6th consecutive month following a natural  
11          disaster trigger month that is not a trigger  
12          month.

13          “(ii) EXCEPTION.—A month shall not  
14          be a natural disaster recovery month with  
15          respect to a State if the Secretary, upon  
16          request from the Governor of the State,  
17          determines, in coordination with the Sec-  
18          retary of Housing and Urban Develop-  
19          ment, the Administrator of the Federal  
20          Emergency Management Administration,  
21          the Secretary of Labor, and the Secretary  
22          of Commerce and based on the progress of  
23          economic recovery of eligible households in  
24          the State, that the State requires more  
25          time to recover. The Secretary shall submit

1 to Congress a written justification of any  
2 such determination.

3 “(h) NOTIFICATION OF TRIGGER MONTHS.—

4 “(1) NOTIFICATION OF UNEMPLOYMENT-BASED  
5 TRIGGER MONTHS.—The Secretary of Labor shall  
6 provide notice to the Secretary of Health and  
7 Human Services whenever the Secretary of Labor  
8 determines—

9 “(A) that a month is an economic trigger  
10 month with respect to a State; or

11 “(B) that a month is an economic recovery  
12 month with respect to a State.

13 “(2) NOTIFICATION OF DISASTER-BASED TRIG-  
14 GER MONTHS.—The Administrator of the Federal  
15 Emergency Management Administration shall pro-  
16 vide notice to the Secretary whenever the Adminis-  
17 trator determines—

18 “(A) that a month is a natural disaster  
19 trigger month with respect to a State, and the  
20 areas in the State for which assistance is au-  
21 thorized under section 408 of the Robert T.  
22 Stafford Disaster Relief and Emergency Assist-  
23 ance Act; and

24 “(B) that a month is a natural disaster re-  
25 covery month with respect to a State.

1 **“SEC. 1304. STATE PLANS FOR FAMILY CRISIS CASH ASSIST-**  
 2 **ANCE.**

3 “(a) IN GENERAL.—A State shall not be eligible for  
 4 payments under this title for any month unless the State  
 5 has in effect for such month a State family crisis cash  
 6 assistance plan that is approved by the Secretary under  
 7 this section and is made available to the public by the  
 8 State.

9 “(b) APPROVAL OF PLAN.—The Secretary shall not  
 10 approve a State family crisis cash assistance plan under  
 11 this section unless the plan meets the requirements of sub-  
 12 section (c).

13 “(c) PLAN REQUIREMENTS.—

14 “(1) IN GENERAL.—A State family crisis cash  
 15 assistance plan shall include the following:

16 “(A) An estimate of the amount of funding  
 17 that the State will need over the term of the  
 18 plan to make cash assistance payments to eligi-  
 19 ble households under this title, including—

20 “(i) an estimate of—

21 “(I) the total number of eligible  
 22 households in the State; and

23 “(II) the number of eligible  
 24 households in the State that 1-person  
 25 households, 2-person households, 3-

1 person households, and more than 3-  
2 person households; and

3 “(ii) a projection of how the State ex-  
4 pects the estimates described in this sub-  
5 paragraph to change over the term of the  
6 plan.

7 “(B) Procedures administering cash assist-  
8 ance payments to eligible households in accord-  
9 ance with the requirements of this title.

10 “(C) Procedures for making cash assist-  
11 ance payments available to individuals who are  
12 banked, unbanked, experiencing homelessness,  
13 or are otherwise economically vulnerable.

14 “(D) Measures to ensure that the plan will  
15 not, intentionally or unintentionally, function in  
16 a discriminatory manner that impairs the abil-  
17 ity of an eligible household to receive cash as-  
18 sistance based on the race, color, religion, sex,  
19 or national origin of any member of the house-  
20 hold.

21 “(E) Contingency plans that the State will  
22 rely on to administer cash assistance payments  
23 in times of disaster or severe disruption.

24 “(F) Data sharing systems and processes  
25 necessary to meet the data sharing require-

1           ments of paragraph (2) (including the data se-  
2           curity and privacy requirements under subpara-  
3           graph (C) of such paragraph).

4           “(G) Plans for overcoming anticipated  
5           shortcomings or challenges (which shall include  
6           estimates of the likelihood that each such short-  
7           coming or challenge will occur) that the State  
8           foresees in administering cash assistance and  
9           how the State will use any available technical  
10          assistance or administrative funding to over-  
11          come such shortcomings or challenges.

12          “(2) DATA SHARING.—

13                 “(A) COORDINATION AMONG STATE AGEN-  
14                 CIES.—A State developing a plan for approval  
15                 under this section shall establish processes for  
16                 the State department of revenue (or whichever  
17                 State agency is responsible for administering  
18                 the State’s tax code) and the State agencies re-  
19                 sponsible for administering the Medicaid pro-  
20                 gram under title XIX, the Children’s Health In-  
21                 surance Program under title XXI, the supple-  
22                 mental nutrition assistance program under the  
23                 Food and Nutrition Act of 2008, any State  
24                 pension or retirement program, and any other  
25                 State program that provides means-tested as-

1           sistance to individuals or families to share all  
2           program data necessary to enable the State to  
3           identify individuals and families in the State  
4           who are eligible for a family crisis cash assist-  
5           ance payment under section 1303.

6           “(B) FEDERAL DATA.—

7                   “(i) IN GENERAL.—Notwithstanding  
8                   any other provision of law, the head of the  
9                   agency responsible for administering a  
10                  Federal public assistance program (as de-  
11                  fined in clause (ii)) shall make available to  
12                  any State with a plan approved under this  
13                  section all program data necessary to en-  
14                  able the State to identify individuals and  
15                  families in the State who are eligible for a  
16                  family crisis cash assistance payment  
17                  under section 1303.

18                  “(ii) FEDERAL PUBLIC ASSISTANCE  
19                  PROGRAM.—The term ‘Federal public as-  
20                  sistance program’ means any retirement,  
21                  welfare, health, disability, public or as-  
22                  sisted housing, postsecondary education,  
23                  food assistance, unemployment benefit,  
24                  earned income tax credit, or any other  
25                  similar benefit for which payments, tax

1 credits, or assistance are provided to an in-  
2 dividual, household, or family eligibility  
3 unit by an agency of the United States.

4 “(C) USE OF INFORMATION; PRIVACY PRO-  
5 TECTIONS.—Each State with a plan approved  
6 under this section—

7 “(i) shall only use data provided to  
8 the State under this section for the pur-  
9 pose of identifying individuals and families  
10 who are eligible for a family crisis cash as-  
11 sistance payment under section 1303; and

12 “(ii) shall comply with all data secu-  
13 rity and privacy provisions applicable to  
14 data provided to the State under this sub-  
15 section.

16 “(D) COSTS OF DATA SHARING.—The Sec-  
17 retary shall pay for costs of State and Federal  
18 agencies that are attributable to sharing data in  
19 accordance with this paragraph from the  
20 amount reserved for such purpose under section  
21 1301(a)(5)(B).

22 “(d) TERM OF PLAN.—

23 “(1) IN GENERAL.—A State plan for family cri-  
24 sis cash assistance under this section shall be in ef-

1       fect for the 5-year period beginning with the date  
2       that the Secretary approves such plan.

3           “(2) RENEWAL.—A State shall apply for a re-  
4       newal of a plan for family crisis cash assistance  
5       under this section, with all necessary updates to en-  
6       sure that the plan meets the requirements of this  
7       section, 12 months before such plan would otherwise  
8       terminate.

9           “(3) REVISION OF PLAN FOR FAILURE TO MEET  
10      THRESHOLDS.—Notwithstanding paragraph (2), if a  
11      State is required to submit a proposed plan to im-  
12      prove the timeliness of assistance and eliminate dis-  
13      parities in the provision of assistance under clause  
14      (ii)(III) of section 1305(d)(1)(A), the State shall  
15      apply to renew the plan for family crisis cash assist-  
16      ance under this section (with the necessary updates  
17      to improve such timeliness and eliminate such dis-  
18      parities) not later than 90 days after the date on  
19      which the State submits the report under section (if  
20      earlier than the date on which the State would oth-  
21      erwise be required to renew such plan under this  
22      subsection).

23      “(e) GUIDANCE AND TECHNICAL ASSISTANCE.—

24           “(1) GUIDANCE.—Not later than 6 months  
25      after the date of enactment of this title, the Sec-

1       retary shall issue detailed guidance to States de-  
2       scribing the requirements for State plans under this  
3       title, and how to submit and obtain approval of such  
4       a plan.

5               “(2) TECHNICAL ASSISTANCE.—The Secretary  
6       shall offer technical assistance to States to support  
7       the development, enactment, implementation, and  
8       updating of State plans under this section to ensure  
9       that the plans meet all requirements of such section,  
10      including by—

11               “(A) ensuring that the State’s plan recog-  
12      nizes and seeks to reduce discrimination and  
13      disparities based on the race and ethnicity, pri-  
14      mary language, sexual orientation, disability  
15      status, gender identity, housing status, and so-  
16      cioeconomic status of its residents;

17               “(B) consulting with relevant, local organi-  
18      zations that specialize in ensuring the equitable  
19      delivery and distribution of social services and  
20      support with regard to the race and ethnicity,  
21      primary language, sexual orientation, disability  
22      status, gender identity, housing status, and so-  
23      cioeconomic status of the recipients to ensure  
24      that the plan will achieve equitable distribution  
25      and delivery outcomes;

1           “(C) conducting analyses of the implemen-  
2           tation of past natural disaster and economic  
3           crisis recovery programs in that State, includ-  
4           ing any past delivery of family crisis cash as-  
5           sistance payments under this title, to identify  
6           and proactively prevent intentional or uninten-  
7           tional discriminatory outcomes;

8           “(D) reviewing the State’s proposed family  
9           crisis cash assistance delivery mechanisms to  
10          proactively identify ways that those mechanisms  
11          may yield intentional or unintentional discrimi-  
12          natory outcomes and developing solutions to  
13          prevent such outcomes;

14          “(E) ensuring that the State’s delivery  
15          methods for family crisis cash assistance pay-  
16          ments are secure and convenient for all eligible  
17          recipients on an equitable basis and including  
18          families who do not have access to financial  
19          services or technology;

20          “(F) providing information, including on  
21          existing best practices, to State authorities to  
22          ensure that they meet all other requirements of  
23          this section; and

24          “(G) ensuring that the State plans have  
25          relevant, up-to-date outreach materials that are

1 cross-cultural, language-accessible, and dis-  
2 ability-accessible to all families and children.

3 **“SEC. 1305. REQUIREMENTS.**

4 “(a) USE OF FUNDS.—A State receiving a payment  
5 under this title shall only use such payment—

6 “(1) to provide cash assistance to eligible  
7 households in the manner described in section 1303;  
8 and

9 “(2) in the case of funds received under section  
10 1302(b), to pay for administrative costs of devel-  
11 oping and implementing the State plan under section  
12 1303.

13 “(b) LIMITATIONS.—A State receiving a payment  
14 under this title shall not—

15 “(1) require any member of an eligible house-  
16 hold, as a condition of receiving a cash assistance  
17 payment under section 1303, to—

18 “(A) engage in work activities; or

19 “(B) cooperate with the requirements of  
20 any child support program;

21 “(2) impose any restrictions on how long an eli-  
22 gible household may receive cash assistance pay-  
23 ments under section 1303;

24 “(3) implement any policies or practices that  
25 have the effect of making an eligible household less

1 likely to receive a cash assistance payment under  
2 section 1303 on the basis of any member of the  
3 household's race, sex, religion, national origin, immi-  
4 gration status, criminal justice status or history,  
5 housing status, or political affiliation;

6 “(4) apply any asset or resource test for deter-  
7 mining a household's eligibility for a cash assistance  
8 payment under section 1303; or

9 “(5) consider whether a household, or any  
10 member of a household, is receiving assistance  
11 (whether cash or in-kind) under another Federal or  
12 State program in determining the household's eligi-  
13 bility for a cash assistance payment under section  
14 1303.

15 “(c) TREATMENT OF CASH ASSISTANCE PAYMENTS  
16 AS EMERGENCY DISASTER RELIEF; PROTECTION FROM  
17 ASSIGNMENT OR GARNISHMENT.—

18 “(1) IN GENERAL.—With respect to a cash as-  
19 sistance payment made to an eligible household  
20 under section 1303—

21 “(A) such payment shall be treated as  
22 short-term, non-cash, in-kind emergency dis-  
23 aster relief for purposes of all laws and pro-  
24 grams (including public assistance and tax

1 laws) of a State and any unit of local govern-  
2 ment within the State; and

3 “(B) the right of any person to such a  
4 cash payment shall not be transferable or as-  
5 signable, at law or in equity, and no such pay-  
6 ment shall be subject to execution, levy, attach-  
7 ment, garnishment, or other legal process, or  
8 the operation of any bankruptcy or insolvency  
9 law.

10 “(2) ENCODING OF PAYMENTS.—In the case of  
11 a cash payment under section 1303 that is paid elec-  
12 tronically by direct deposit, a State shall issue the  
13 payment using a unique identifier that is reasonably  
14 sufficient to identify the payment as such a cash  
15 payment.

16 “(d) REPORTS.—

17 “(1) STATE REPORTS.—

18 “(A) IN GENERAL.—Each State shall—

19 “(i) not later than 90 days after the  
20 end of any trigger month (as defined in  
21 section 1302(g)) for the State, submit to  
22 the Secretary a report on how the State  
23 used the payments received by the State  
24 under this title during such period that in-  
25 cludes—

1           “(I) an analysis of all eligible  
2 households in the State as of the start  
3 of the family assistance period,  
4 disaggregated by race and ethnicity,  
5 disability status, housing status, and  
6 income level as a percentage of the  
7 Federal poverty line;

8           “(II) an analysis of all house-  
9 holds that received cash assistance  
10 under this title during the family as-  
11 sistance period, disaggregated in the  
12 manner described in subclause (I);  
13 and

14           “(III) an analysis of the timing  
15 of when eligible households that re-  
16 ceived cash assistance received the as-  
17 sistance relative to the start of the as-  
18 sistance period, disaggregated in the  
19 manner described in subclause (I);  
20 and

21           “(ii) not later than 1 year after the  
22 end of any family assistance period for the  
23 State, submit to the Secretary a report on  
24 how the State used the payments received

1 by the State under this title during such  
2 period that includes—

3 “(I) the analyses described in  
4 subclauses (I) through (III) of clause  
5 (i);

6 “(II) an analysis of the reasons  
7 for any disparities in eligible house-  
8 holds versus recipients and in the  
9 timeframes in which recipients re-  
10 ceived cash assistance, including dis-  
11 parities among categories of eligible  
12 households described in clause (i)(I);

13 “(III) if the analysis described in  
14 subclause (II) reveals that less than  
15 90 percent of eligible households re-  
16 ceived cash assistance under this title  
17 or disparities of more than 14 days,  
18 on average, in the timeframes in  
19 which recipients belonging to different  
20 categories of eligible households de-  
21 scribed in clause (i)(I) received cash  
22 assistance, a proposed plan on how  
23 the State will improve the rate of eli-  
24 gible households receiving payments  
25 and eliminate any such disparities in

1 potential future deliveries of the fam-  
2 ily crisis cash assistance program;

3 “(IV) a description of how the  
4 State used any funds the State re-  
5 ceived under this title for technical as-  
6 sistance or administrative costs; and

7 “(V) at the option of the State,  
8 any recommendations to the Secretary  
9 and Congress on how changes to the  
10 program’s implementation, including  
11 technical assistance, planning require-  
12 ments, administrative support, and  
13 other factors may achieve more equi-  
14 table outcomes.

15 “(B) FAMILY ASSISTANCE PERIOD.—For  
16 purposes of subparagraph (A), the term ‘family  
17 assistance period’ means, with respect to a  
18 State, a period of consecutive months during  
19 which the State is entitled to a payment under  
20 section 1302.

21 “(2) REPORT TO CONGRESS.—Not later than  
22 September 30, 2022, the Secretary shall submit a  
23 report to Congress on the use of payments made  
24 under this paragraph based on the reports submitted  
25 under paragraph (1).

1           “(3) VALIDATION OF STATE REPORTS.—The  
2 Secretary may—

3           “(A) develop a process for validating State  
4 reports submitted under paragraph (1) using  
5 Federal data available to the Secretary; and

6           “(B) request that a State address any in-  
7 consistencies identified by the Secretary.

8 **“SEC. 1306. FAILURE OF STATE TO MAKE CASH ASSISTANCE**  
9           **PAYMENTS OR COMPLY WITH REQUIRE-**  
10           **MENTS.**

11           “(a) IN GENERAL.—The Secretary shall make cash  
12 assistance payments to eligible households in a State  
13 under section 1303 on behalf of the State if—

14           “(1) the State does not have a plan approved  
15 under this title;

16           “(2) the State fails to make cash assistance  
17 payments under section 1303 within the timeframe  
18 under subsection (e) of such section; or

19           “(3) the Secretary determines that the State is  
20 otherwise not satisfying the requirements of this  
21 title.

22           “(b) RECOUPMENT OF PAYMENTS FROM NON-  
23 COMPLIANT STATES.—

24           “(1) IN GENERAL.—If the Secretary determines  
25 under subsection (a) that a State is late in making

1 cash assistance payments or is otherwise not satis-  
2 fying the requirements of this title—

3 “(A) the Secretary shall recover the  
4 amount of any unexpended payment made to  
5 the State under this title; and

6 “(B) such State shall not be eligible for  
7 another payment under this section until the  
8 State provides the Secretary with such assur-  
9 ances that the State will satisfy the require-  
10 ments of this title as the Secretary shall re-  
11 quire.

12 “(2) OPTION TO FOREGO RECOVERY OF FUND-  
13 ING FOR ADMINISTRATION OF STATE PLAN.—The  
14 Secretary may elect not to recover amounts paid to  
15 a State under this title for State costs attributable  
16 to the administration of the State family crisis cash  
17 assistance plan.

18 **“SEC. 1307. ADMINISTRATION OF TITLE.**

19 “(a) TIMING OF IMPLEMENTATION.—The Secretary  
20 shall implement this title not later than 30 days after the  
21 date of enactment of this title, pursuant to appropriate  
22 guidance to States.

23 “(b) DATA.—

24 “(1) UNEMPLOYMENT DATA.—Subject to para-  
25 graph (2), for purposes of determining unemploy-

1       ment rates for a State and a month under this title,  
2       the Secretary shall use seasonally adjusted data  
3       from the Local Area Unemployment Statistics from  
4       the Bureau of Labor Statistics.

5           “(2) APPLICATION TO CERTAIN TERRI-  
6       TORIES.—

7           “(A) IN GENERAL.—For purposes of deter-  
8       mining unemployment rates for a month for the  
9       Virgin Islands, Guam, the Northern Mariana  
10      Islands, or American Samoa, the Secretary  
11      shall use data from the unemployment measure  
12      developed under subparagraph (B).

13          “(B) DEVELOPMENT OF TERRITORIAL  
14      MEASURE.—The Secretary of Labor, in coordi-  
15      nation with the Secretary of Health and  
16      Human Services and the chief executives of the  
17      territories identified in subparagraph (A), shall  
18      develop a reliable unemployment measure for  
19      such territories.

20          “(3) AUTHORITY TO MAKE NECESSARY ADJUST-  
21      MENTS TO DATA AND COLLECT NEEDED DATA.—In  
22      determining the amounts payable by a State for a  
23      month for cash assistance payments to eligible  
24      households under section 1303, the Secretary may  
25      make appropriate adjustments to the data collected

1 from a State, on a State-by-State basis, to ensure  
2 that the data are comparable across States. The  
3 Secretary may develop a mechanism for collecting  
4 expenditure data, including procedures which allow  
5 States to make reasonable estimates, and may set  
6 deadlines for making revisions to the data.

7 “(c) RESEARCH AND EVALUATION.—

8 “(1) IN GENERAL.—Not later than 2 years  
9 after the Secretary makes the first payment under  
10 this title, and periodically thereafter, the Secretary  
11 shall submit to Congress a report that—

12 “(A) explores the use of economic and  
13 emergency, disaster, or crisis indicators other  
14 than the unemployment rates described in sec-  
15 tion 1303(g)(2) as triggers for making States  
16 eligible for payments under this title, including  
17 how different indicators would affect the dis-  
18 tribution of funds by State, by demographic  
19 group, by economic status, the total spending  
20 levels under this title, and how using different  
21 indicators would affect the outcomes of house-  
22 holds eligible to receive cash assistance pay-  
23 ments under section 1303;

24 “(B) evaluates the impact of payments to  
25 States under this title on economic, health,

1 housing, education, labor, and any other out-  
2 comes of recipients of cash assistance payments  
3 under section 1303 as the Secretary deems rel-  
4 evant; and

5 “(C) evaluates the impact of technical as-  
6 sistance provided by the Secretary and pay-  
7 ments to States to cover administrative costs on  
8 the States’ ability to deliver cash assistance in  
9 accordance with this title.

10 “(2) INCLUSION IN EVALUATION PLAN.—The  
11 findings of any evaluation conducted by the Sec-  
12 retary under this section shall be included in the  
13 next evaluation plan for the Department of Health  
14 and Human Services issued by the Secretary pursu-  
15 ant to section 312(b) of title 5, United States Code.

16 **“SEC. 1308. DEFINITIONS.**

17 “In this title:

18 “(1) ELIGIBLE HOUSEHOLD.—The term ‘eligi-  
19 ble household’ means a household with an income  
20 that is less than 300 percent of the Federal poverty  
21 line (as defined in section 673(2) of the Omnibus  
22 Budget Reconciliation Act of 1981, including any re-  
23 vision required by such section, applicable to a fam-  
24 ily of the size involved).

25 “(2) HOUSEHOLD.—

1           “(A) IN GENERAL.—The term ‘household’  
2 means any of the following:

3           “(i) An individual who lives alone or  
4 who, while living with others, customarily  
5 does not pool income, assistance, assets, or  
6 other resources for day-to-day costs of liv-  
7 ing, provided that such individual is not a  
8 nonresident alien.

9           “(ii) Any group of individuals (includ-  
10 ing family members) who live together and  
11 customarily pool income, assistance, assets,  
12 or other resources for day-to-day costs of  
13 living, provided that at least 1 of such in-  
14 dividuals is not a nonresident alien.

15           “(B) FAMILY MEMBER.—

16           “(i) IN GENERAL.—For purposes of  
17 subparagraph (A), the term ‘family mem-  
18 ber’ means, with respect to an individual,  
19 any of the following:

20           “(I) A spouse or domestic part-  
21 ner of the individual, or a child,  
22 grandchild, parent, or grandparent of  
23 a spouse or domestic partner of the  
24 individual.

1                   “(II) A parent or grandparent of  
2                   the individual, or a spouse or domestic  
3                   partner of a parent or grandparent of  
4                   the individual.

5                   “(III) A child or grandchild of  
6                   the individual or a spouse or domestic  
7                   partner of a child or grandchild of the  
8                   individual.

9                   “(IV) A sibling of the individual.

10                  “(V) Any individual related to  
11                  the individual involved by blood or af-  
12                  finity whose close association with the  
13                  individual involved is the equivalent of  
14                  a family relationship.

15                  “(ii) PARENT.—For purposes of  
16                  clause (i), the term ‘parent’ means, with  
17                  respect to an individual any of the fol-  
18                  lowing:

19                         “(I) A biological, adoptive, step,  
20                         foster parent or former foster parent  
21                         of the individual.

22                         “(II) The legal guardian or  
23                         former legal guardian of the family  
24                         member.

1                   “(III) An individual who stands,  
2                   or formerly stood, in loco parentis to  
3                   the individual involved.

4                   “(iii) CHILD.—For purposes of clause  
5                   (i), the term ‘child’ means, with respect to  
6                   an individual, any of the following:

7                   “(I) A biological, adopted, step,  
8                   foster, or former foster child of the in-  
9                   dividual.

10                  “(II) The legal ward, or former  
11                  legal ward, of the individual.

12                  “(III) An individual with respect  
13                  to whom the individual involved  
14                  stands in loco parentis, or formerly  
15                  stood in loco parentis.

16                  “(C) RULE OF APPLICATION.—For pur-  
17                  poses of this title, the following persons shall  
18                  not be considered to be residents of institutions  
19                  and shall be considered to be individual house-  
20                  holds:

21                  “(i) Residents of federally subsidized  
22                  housing for the elderly, disabled or blind  
23                  recipients of benefits under title I, II, X,  
24                  XIV, or XVI.

1           “(ii) Individuals described in para-  
2           graphs (2) through (7) of section 5(j) of  
3           the Food and Nutrition Act of 2008, who  
4           are residents in a public or private non-  
5           profit group living arrangement that serves  
6           no more than 16 residents and is certified  
7           by the appropriate State agency or agen-  
8           cies under regulations issued under section  
9           1616(e) or under standards determined by  
10          the Secretary to be comparable to stand-  
11          ards implemented by appropriate State  
12          agencies under that section.

13          “(iii) Temporary residents of public or  
14          private nonprofit shelters for individuals  
15          experiencing intimate partner violence or  
16          child abuse.

17          “(iv) Individuals who do not reside in  
18          permanent dwellings or have no fixed mail-  
19          ing addresses who are otherwise eligible for  
20          benefits (including individuals who are  
21          residents or former residents of public or  
22          private nonprofit shelters for individuals  
23          experiencing homelessness).

24          “(v) Narcotics addicts or alcoholics,  
25          together with their children, who live under

1           the supervision of a private nonprofit insti-  
2           tution, or a publicly operated community  
3           mental health center, for the purpose of  
4           regular participation in a drug or alcoholic  
5           treatment program.

6           “(3) SECRETARY.—The term ‘Secretary’ means  
7           the Secretary of Health and Human Services.

8           “(4) STATE.—The term ‘State’ means each of  
9           the 50 States, the District of Columbia, Puerto Rico,  
10          Guam, the Virgin Islands, the Northern Mariana Is-  
11          lands, and American Samoa.”.

12          (b) EXEMPTION OF THE FAMILY CRISIS CASH AS-  
13          SISTANCE PROGRAM FROM SEQUESTRATION.—

14           (1) IN GENERAL.—Section 255(h) of the Bal-  
15          anced Budget and Emergency Deficit Control Act of  
16          1985 (2 U.S.C. 905(h)) is amended by inserting  
17          after “Contingency Fund (75–1522–0–1–609).” the  
18          following:

19           “Family Crisis Cash Assistance Program under  
20          title XIII of the Social Security Act.”.

21           (2) APPLICABILITY.—The amendment made by  
22          this subsection shall apply to any sequestration  
23          order issued under the Balanced Budget and Emer-  
24          gency Deficit Control Act of 1985 (2 U.S.C. 900 et  
25          seq.) on or after the date of enactment of this Act.

1 **SEC. 3. DISREGARD OF FAMILY CRISIS CASH ASSISTANCE**  
2 **FOR PURPOSES OF OTHER FEDERAL PRO-**  
3 **GRAMS.**

4 The amount of any cash assistance payment made to  
5 a household under a State program funded by a payment  
6 under title XIII of the Social Security Act, as added by  
7 section 2(a), shall not be taken into account as income  
8 or resources for purposes of determining the eligibility of  
9 such household or any member of such household for bene-  
10 fits or assistance, or the amount or extent of such benefits  
11 or assistance, under any Federal program or under any  
12 State or local program financed in whole or in part with  
13 Federal funds.

○