

118TH CONGRESS  
2D SESSION

# H. R. 8921

To set aside funds for payments to Indian tribes and tribal consortia under subpart 1 of part B of title IV of the Social Security Act.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 2, 2024

Mr. HERN (for himself and Ms. CHU) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To set aside funds for payments to Indian tribes and tribal consortia under subpart 1 of part B of title IV of the Social Security Act.

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 “Tribal Child Welfare  
5       Support Act”.

6       **SEC. 2. SET-ASIDE OF FUNDS FOR PAYMENTS TO INDIAN**  
7                       **TRIBES AND TRIBAL CONSORTIA FOR CHILD**  
8                       **WELFARE SERVICES.**

9       (a) IN GENERAL.—Section 428 of the Social Security  
10      Act (42 U.S.C. 628) is amended—

1 (1) in subsection (a)—

2 (A) by striking “may” and inserting  
3 “shall”; and

4 (B) by striking the last sentence;

5 (2) by striking subsection (b) and inserting the  
6 following:

7 “(b) DIRECT PAYMENTS TO TRIBAL ORGANIZATIONS  
8 AND TRIBAL CONSORTIA.—The Secretary shall pay any  
9 amount to which an Indian tribe or tribal consortium is  
10 entitled under this section directly to the tribal organiza-  
11 tion of the Indian tribe or in the case of a payment to  
12 a tribal consortium, such tribal organizations of, or entity  
13 established by, the Indian tribes that are part of the con-  
14 sortium as the consortium shall designate.”; and

15 (3) by adding at the end the following:

16 “(d) RESERVATION OF FUNDS.—Of the amount  
17 made available under section 425 for a fiscal year, the Sec-  
18 retary shall reserve 3 percent for payments under sub-  
19 section (a) of this section.”.

20 (b) CONFORMING AMENDMENT.—Section 423(a)(1)  
21 of such Act (42 U.S.C. 623(a)(1)) is amended by inserting  
22 “, after applying section 428(d),” before “for each fiscal  
23 year”.

24 (c) LIMITATION ON APPLICABILITY.—The amend-  
25 ments made by this section shall not apply with respect

1 to a fiscal year unless the amount made available under  
2 section 425 of the Social Security Act for the fiscal year  
3 meets or exceeds 103 percent of the amount made avail-  
4 able in fiscal year 2024 to enable the Secretary of Health  
5 and Human Services to reserve 3 percent of the amount  
6 for payments to Indian tribes and tribal organizations  
7 under subpart 1 of part B of title IV of such Act without  
8 reducing the allotment of any State for the fiscal year  
9 under section 423 of such Act. Should the threshold for  
10 reserving 3 percent for payments to Indian tribes and trib-  
11 al organizations not be met in a fiscal year, then amounts  
12 paid under section 428(a) of such Act shall be deemed  
13 to be a part of the allotment (as determined under section  
14 423 of such Act) for the State in which such Indian tribal  
15 organization is located.

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