

114TH CONGRESS
1ST SESSION

H. R. 4055

To amend title IV of the Social Security Act to address the increased burden that maintaining the health and hygiene of infants and toddlers places on families in need, the resultant adverse health effects on children and families, and the limited child care options available for infants and toddlers who lack sufficient diapers, which prevents their parents and guardians from entering the workforce.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2015

Mr. ELLISON (for himself, Ms. DELAURO, Mr. GRIJALVA, Mr. PETERS, Mr. CÁRDENAS, Mr. CARSON of Indiana, Mr. MCGOVERN, Ms. MENG, Ms. CLARKE of New York, Ms. LEE, Mr. POCAN, Ms. KAPTUR, Ms. NORTON, Mr. NADLER, Mr. HASTINGS, Mr. CONYERS, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. JUDY CHU of California, Ms. EDWARDS, and Mr. VAN HOLLEN) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title IV of the Social Security Act to address the increased burden that maintaining the health and hygiene of infants and toddlers places on families in need, the resultant adverse health effects on children and families, and the limited child care options available for infants and toddlers who lack sufficient diapers, which prevents their parents and guardians from entering the workforce.

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 “Hygiene Assistance
5 for Families of Infants and Toddlers Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Access to a reliable supply of clean diapers
9 is a medical necessity for the health and welfare of
10 infants and toddlers, their families, and child care
11 and health care providers, yet in a representative
12 survey of mothers in the United States, 1 in 3 moth-
13 ers reported having to cut back on essentials in
14 order to afford enough diapers for a child.

15 (2) In the United States, most children begin
16 toilet training between 2 and 3 years of age, and
17 after toilet training is complete, the child will not
18 need diapers. Families with infants and toddlers are
19 more likely to be economically disadvantaged than
20 other families. Infants and toddlers are more likely
21 to live with low-income and poor families than older
22 children, 25 percent of infants and toddlers live with
23 families earning less than the Federal poverty level,
24 and 47 percent of infants and toddlers live with fam-
25 ilies earning less than twice the Federal poverty

1 level. There are over 980,000 infants and toddlers
2 who are recipients of assistance under the program
3 of block grants to States for temporary assistance
4 for needy families (TANF), over one-third of all
5 families enrolled in such a State program include an
6 infant or toddler, and the average monthly diaper
7 bill of \$70 to \$80 represents at least 8 percent and
8 up to 40 percent of the average amount of cash as-
9 sistance provided to a family through such a State
10 program.

11 (3) The average monthly diaper bill of \$70 to
12 \$80 represents 6 percent of the pretax income of a
13 parent working full time for Federal minimum wage.
14 Approximately 46 percent of low-income children
15 and 26 percent of poor infants and toddlers live with
16 at least 1 parent who is employed full time and year
17 round, and only 47 percent of low-income children
18 and 35 percent of poor infants and toddlers live with
19 married parents.

20 (4) Without child care, parents and guardians
21 of infants and toddlers cannot participate in the
22 workforce, but most child care providers require par-
23 ents to provide a supply of clean disposable diapers
24 for their children. In a 2014 survey of 1,129 clients
25 of 8 large diaper banks conducted by the National

1 Diaper Bank Network, 12.4 percent of respondents
2 indicated that the respondent was unable to leave a
3 child at a child care provider at least 1 day a month
4 because the respondent's child lacked diapers, and
5 47.5 percent of respondents said that the diapers re-
6 ceived from the diaper bank enabled the respondent
7 to go to work. Therefore, increasing availability of
8 clean diapers for needy infants and toddlers furthers
9 the national goal of enabling parents to participate
10 in the workforce to increase their economic self-suffi-
11 ciency, and enables better implementation of title I
12 of the Personal Responsibility and Work Oppor-
13 tunity Reconciliation Act of 1996.

14 (5) Increasing the availability of clean diapers
15 for needy infants and toddlers furthers the national
16 goal of increasing access to safe and quality child
17 care for all families, and therefore enables better im-
18 plementation of the Child Care and Development
19 Block Grant Act of 1990.

20 (6) Insufficient diaper changes can lead to not
21 only increased irritability and discomfort of a child,
22 leading to increased parental stress, but also to dia-
23 per dermatitis, skin breakdown, open sores with a
24 risk of infection, and urinary tract infections for the
25 child, which require medical attention. In a survey

1 commissioned by Feeding America in 2011, 48 per-
2 cent of food bank clients surveyed said they would
3 delay changing a diaper and 32 percent said they
4 would reuse disposable diapers in order to make
5 their diaper supply last longer. This increases the
6 risk of negative health outcomes for children and
7 their families.

8 (7) A study from the Yale School of Medicine
9 found a direct correlation between lacking enough
10 clean diapers to change a child’s diapers as often as
11 required—a condition called “diaper need”—and
12 maternal depression, which can adversely affect ma-
13 ternal-child bonding, a mother’s ability to care for
14 her child, and a mother’s ability to work outside the
15 home.

16 (8) Diapers have proven to be valuable incen-
17 tives in smoking cessation programs, parenting
18 training programs, and other programs promoting
19 positive and healthy behaviors.

20 (9) Increasing the availability of clean diapers
21 for needy families furthers public health by pro-
22 viding improved health outcomes for children, reduc-
23 ing visits to the emergency room, and reducing pa-
24 rental stress and depression.

1 **SEC. 3. IMPROVING OPPORTUNITY DIAPER DEMONSTRATION PROJECT.**
2

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

6 “(c) DIAPER BENEFIT DEMONSTRATION PROJECT.—

7 “(1) IN GENERAL.—The Secretary shall make
8 grants to States to conduct demonstration projects
9 to implement and evaluate strategies to help families
10 with eligible children address the diapering supply
11 needs of such children.

12 “(2) APPLICATION REQUIREMENTS.—A State
13 desiring a grant under this subsection shall submit
14 to the Secretary an application that includes the fol-
15 lowing:

16 “(A) A description of how the State will
17 use the grant funds to develop a diaper dis-
18 tribution program that will provide sufficient
19 diapers and diapering supplies to each partici-
20 pating family so that each eligible child in the
21 family receives, for each month in which the
22 child participates in the program, not less than
23 the lesser of—

24 “(i) 50 percent of the diaper changes
25 required for a month for a healthy child of
26 similar age and size; or

1 “(ii) 100 percent of the actual diaper
2 changes required for the child for the
3 month.

4 “(B) A description of how the State will
5 coordinate with other State and Federal assist-
6 ance programs and agencies (particularly other
7 programs and agencies targeted at assisting in-
8 fants, toddlers, or the parents or guardians of
9 infants or toddlers) that provide benefits and
10 services to families participating in the diaper
11 distribution program, to integrate the distribu-
12 tion of diapers and diapering supplies with the
13 delivery of such other benefits and services, for
14 the purpose of—

15 “(i) helping participating families to
16 use effectively the benefits they receive
17 under the diaper distribution program; and

18 “(ii) removing barriers to the partici-
19 pation of such families in activities such as
20 child care, training, and work activities.

21 “(C) A description of how the State will
22 evaluate the extent to which the diaper distribu-
23 tion program increases the efficacy, and affects
24 the participation rates, of other State and Fed-
25 eral assistance programs in the State.

1 “(D) A description of how the State will
2 provide for the delivery of benefits under the di-
3 aper distribution program, which may include—

4 “(i) cash assistance to be used to pur-
5 chase diapers and diapering supplies;

6 “(ii) vouchers, coupons, electronic
7 benefit transfer systems, or any other non-
8 cash method to be used to purchase dia-
9 pers and diapering supplies, except that
10 the State may not require a store to cover
11 the cost of any equipment, system, or proc-
12 essing required for any such method as a
13 condition of participation in the program;

14 “(iii) assistance in distributing dia-
15 pers and diapering supplies from any pro-
16 gram or agency the State considers appro-
17 priate, which may include—

18 “(I) State or Federal child care
19 programs;

20 “(II) work programs or father-
21 hood initiative programs, if the State
22 explains the method it intends to use
23 to ensure that diapers and diapering
24 supplies distributed through these

1 programs are used by the eligible
2 child who is the intended recipient;
3 “(III) home visiting programs;
4 “(IV) family resource centers;
5 “(V) Federal and State health
6 clinics; and
7 “(VI) community service centers;
8 “(iv) the distribution of diapers and
9 diapering supplies at diaper banks or
10 through other nonprofit organizations de-
11 scribed in section 501(c)(3) of the Internal
12 Revenue Code of 1986 and exempt from
13 taxation under section 501(a) of such
14 Code, including through the assistance of
15 other State or Federal agencies that part-
16 ner with such organizations to assist with
17 diaper and diapering supply distribution;
18 and
19 “(v) the distribution of diapers and
20 diapering supplies at any other location or
21 through any other means that will allow
22 the State to deliver diapers and diapering
23 supplies to participating families without
24 undue inconvenience.

1 “(E) A description of whether the State
2 will provide a cloth diapering system, a dispos-
3 able diapering system, or both, and in cases in
4 which the State provides a cloth diapering sys-
5 tem, an explanation of how the State will pro-
6 vide for diaper cleaning services if requested by
7 the parent or guardian.

8 “(F) A description of how the State will
9 ensure that the diapering system or systems
10 provided meet the requirements of licensed child
11 care facilities in the State, such that the type
12 of diapers and diapering supplies provided do
13 not prevent participating families from enrolling
14 eligible children in such a facility.

15 “(3) USE OF FUNDS.—A State to which a grant
16 is made under this subsection shall use the grant
17 funds to carry out a diaper distribution program in
18 accordance with the State grant application ap-
19 proved by the Secretary, as provided in paragraph
20 (2).

21 “(4) PROGRAM ADMINISTRATION.—

22 “(A) STATE TANF AGENCY AS PRIMARY
23 ADMINISTRATOR.—Subject to subparagraph
24 (B), a State diaper distribution program carried
25 out pursuant to this subsection shall be carried

1 out by the State agency responsible for admin-
2 istering the State program funded under this
3 part.

4 “(B) AUTHORITY TO SUBGRANT AND COL-
5 LABORATE.—In carrying out such diaper dis-
6 tribution program, the State agency described
7 in subparagraph (A) may collaborate with, and
8 the State may make a subgrant to, such public
9 and nonprofit entities as the State considers ap-
10 propriate, including State agencies, local gov-
11 ernments, community-based organizations,
12 Community Action Agencies, child care agen-
13 cies, food assistance agencies, and other non-
14 profit organizations described in section
15 501(c)(3) of the Internal Revenue Code of 1986
16 and exempt from taxation under section 501(a)
17 of such Code.

18 “(5) CERTIFICATION OF BENEFIT ELIGI-
19 BILITY.—A State to which a grant is made under
20 this subsection may require, as a condition of receiv-
21 ing benefits under a State diaper distribution pro-
22 gram, that participating families provide to the
23 State such information at such times as the State
24 considers necessary to determine whether a child in

1 the family is (or continues to be) an eligible child,
2 as such term is defined in paragraph (7)(D).

3 “(6) REPORTS.—As a condition of receiving a
4 grant under this subsection for a fiscal year, the
5 State shall submit to the Secretary, not later than
6 6 months after the end of the fiscal year, a report
7 that—

8 “(A) specifies the number of children and
9 the number of families receiving assistance
10 under the State diaper assistance program for
11 each month of the fiscal year;

12 “(B) specifies the number of cloth diapers,
13 the number of disposable diapers, and the num-
14 ber of each type of diapering supply distributed
15 under the diaper distribution program for each
16 month of the fiscal year;

17 “(C) specifies the method or methods the
18 State uses to distribute diapers and diapering
19 supplies; and

20 “(D) specifies the number of children and
21 the number of families receiving benefits under
22 the diaper distribution program who also re-
23 ceive assistance during the fiscal year under
24 other relevant public assistance programs, as
25 determined by the Secretary.

1 “(7) EVALUATION.—

2 “(A) IN GENERAL.—Not later than Sep-
3 tember 30, 2018, the Secretary, in consultation
4 with each State that receives a grant under this
5 subsection, shall conduct a high quality evalua-
6 tion of the effectiveness of the State diaper dis-
7 tribution programs carried out pursuant to this
8 subsection and of varying approaches for dis-
9 tributing diapers and diapering supplies used in
10 such State programs.

11 “(B) AREAS OF EVALUATION.—The eval-
12 uation described in subparagraph (A) shall in-
13 clude a study of the populations served in such
14 State programs, the different methods used by
15 States to distribute diapers and diapering sup-
16 plies, and the effectiveness of each such meth-
17 od.

18 “(C) EVALUATOR QUALIFICATIONS.—The
19 Secretary may not enter into a contract with an
20 evaluator to conduct an evaluation under this
21 paragraph unless the evaluator has dem-
22 onstrated experience in conducting rigorous, de-
23 scriptive evaluations of program effectiveness.

24 “(D) FINAL EVALUATION.—Not later than
25 September 30, 2022, the Secretary, in consulta-

1 tion with each State that receives a grant under
2 this subsection, shall update the evaluation de-
3 scribed in subparagraph (A).

4 “(E) REPORTS AND PUBLIC DISCLO-
5 SURE.—

6 “(i) INITIAL REPORT.—Not later than
7 September 30, 2018, the Secretary shall—

8 “(I) submit to the relevant con-
9 gressional committees a report on the
10 results of the evaluation described in
11 subparagraph (A); and

12 “(II) publish the results of the
13 evaluation on the website of the De-
14 partment of Health and Human Serv-
15 ices in a location that is easily acces-
16 sible to the public.

17 “(ii) FINAL REPORT.—Not later than
18 90 days after completion of the final eval-
19 uation pursuant to subparagraph (D), the
20 Secretary shall—

21 “(I) submit to the relevant con-
22 gressional committees a report de-
23 scribing the results of the final eval-
24 uation; and

1 “(II) update the website de-
2 scribed in clause (i)(II) to include the
3 results of the final evaluation.

4 “(8) APPLICABILITY OF CERTAIN PROVI-
5 SIONS.—

6 “(A) DIAPER BENEFITS NOT COUNTED AS
7 ASSISTANCE.—Benefits provided under a State
8 diaper distribution program conducted pursuant
9 to this subsection shall not be counted as assist-
10 ance under a State program funded under this
11 part (or any other State program funded with
12 qualified State expenditures (as defined in sec-
13 tion 409(a)(7)(B)(i))).

14 “(B) RULES CONCERNING GRANTS INAP-
15 PLICABLE.—Sections 404 and 409(a)(4) shall
16 not apply with respect to a grant made under
17 this subsection.

18 “(9) REGULATIONS.—The Secretary of Health
19 and Human Services may prescribe such regulations
20 as may be necessary to implement this subsection.

21 “(10) DEFINITIONS.—In this subsection:

22 “(A) The term ‘diaper’ means an absorb-
23 ent garment that is washable or disposable that
24 is worn by a child who cannot control bladder
25 or bowel movements.

1 “(B) The term ‘diapering supplies’ means
2 items, including diaper wipes and diaper cream,
3 necessary to ensure that a child using a diaper
4 is properly cleaned and protected from diaper
5 rash, and that the surrounding population is
6 protected from harmful bacteria originating
7 from dirty diapers.

8 “(C) The term ‘diapering system’ means a
9 method of providing an adequate supply of
10 clean, properly sized diapers and diapering sup-
11 plies. In the case of washable cloth diapers, this
12 method includes the laundering of diapers to
13 ensure a sufficient supply of clean diapers and
14 waterproof covers.

15 “(D) The term ‘eligible child’ means a
16 child who—

17 “(i) is not toilet-trained;

18 “(ii) has not attained 3 years of age,
19 unless the State determines that the child
20 has a substantial physical or mental im-
21 pairment that requires the child to wear
22 diapers; and

23 “(iii) is—

24 “(I) a recipient of, or is eligible
25 to receive, assistance under a State

1 program funded under this part (or
2 any other State program funded with
3 qualified State expenditures (as de-
4 fined in section 409(a)(7)(B)(i))), or
5 is a member of a family that meets
6 the income eligibility requirements of
7 such State program; or

8 “(II) a member of a family whose
9 income is not more than 130 percent
10 of the poverty line (as defined by the
11 Office of Management and Budget,
12 and revised annually in accordance
13 with section 673(2) of the Omnibus
14 Budget Reconciliation Act of 1981)
15 applicable to a family of the size in-
16 volved.

17 “(E) The term ‘infant’ means a child who
18 has not attained 1 year of age.

19 “(F) The term ‘participating family’
20 means a family that includes an eligible child
21 participating in a State diaper distribution pro-
22 gram carried out pursuant to this subsection.

23 “(G) The term ‘State’ means each of the
24 50 States, the District of Columbia, Puerto
25 Rico, Guam, the United States Virgin Islands,

1 the Northern Mariana Islands, American
2 Samoa, and Indian tribes and tribal organiza-
3 tions.

4 “(H) The term ‘toddler’ means a child who
5 has attained 1 year of age but has not attained
6 3 years of age.

7 “(I) The term ‘toilet-trained’ means able
8 and willing to use a toilet consistently such that
9 diapers are not necessary on a daily basis.

10 “(11) APPROPRIATION.—Out of any funds in
11 the Treasury of the United States not otherwise ap-
12 propriated, there are appropriated for each of fiscal
13 years 2017 through 2021 \$75,000,000 to carry out
14 this subsection.

15 “(12) AVAILABILITY OF FUNDS.—Funds pro-
16 vided to a State under this subsection for a fiscal
17 year may be expended only in the fiscal year or the
18 succeeding fiscal year.”.

19 (b) DIAPER BENEFITS EXEMPTED FROM TERRI-
20 TORIAL PAYMENT CEILING.—Section 1108(a)(2) of such
21 Act (42 U.S.C. 1308(a)(2)) is amended by inserting
22 “403(c),” after “403(a)(5),”.

○