

115TH CONGRESS  
1ST SESSION

# H. R. 3643

To amend part A of title IV of the Social Security Act to provide additional child care funding, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2017

Mr. CROWLEY (for himself and Ms. FRANKEL of Florida) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend part A of title IV of the Social Security Act to provide additional child care funding, 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 “Children First Act of  
5 2017”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

1           (1) to provide funding to ensure that the fami-  
2           lies that have infants and toddlers, that have a fam-  
3           ily income of not more than 200 percent of the ap-  
4           plicable Federal poverty guideline, and that need  
5           child care have access to high-quality infant and tod-  
6           dler child care by the end of fiscal year 2028, in  
7           order to promote family economic security and pa-  
8           rental employment, to support parents in balancing  
9           work and family obligations, and to promote chil-  
10          dren’s health, early care, and learning;

11          (2) to provide sufficient funding to ensure that  
12          both families and child care providers have the re-  
13          sources they need to support high-quality early care  
14          and learning for infants and toddlers;

15          (3) to ensure that provider payment rates, for  
16          infant and toddler child care providers, are set at a  
17          level high enough to support high-quality child care  
18          for infants and toddlers, including infants and tod-  
19          dlers with disabilities;

20          (4) to assist eligible infant and toddler child  
21          care providers in improving the quality of their pro-  
22          grams—

23                  (A) by strengthening the skills, com-  
24                  petencies, and compensation of the workforce of  
25                  those providers, in a manner aligned with the

1 report entitled “Transforming the Workforce  
2 for Children Birth Through Age 8: A Unifying  
3 Foundation”, issued by the National Academy  
4 of Sciences in April 2015; and

5 (B) by helping those providers ensure that  
6 children receive the comprehensive services they  
7 need, by coordinating activities with other com-  
8 munity service providers; and

9 (5) to ensure that high-quality infant and tod-  
10 dler child care is a strong component of a continuum  
11 of quality early care and learning activities within  
12 States and Indian and Native Hawaiian commu-  
13 nities, starting with prenatal care and continuing  
14 through activities in the early school years, with  
15 seamless transitions between programs.

16 **SEC. 3. CHILD CARE FUNDING FOR INFANTS AND TOD-**  
17 **DLERS.**

18 Part A of title IV of the Social Security Act (42  
19 U.S.C. 601 et seq.) is amended by inserting after section  
20 418 the following:

21 **“SEC. 418A. FUNDING FOR CHILD CARE FOR INFANTS AND**  
22 **TODDLERS.**

23 “(a) GRANTS TO EXPAND ACCESS TO HIGH-QUALITY  
24 CHILD CARE.—

1           “(1) IN GENERAL.—From the amount reserved  
2 under subsection (g)(1) for a fiscal year, the Sec-  
3 retary shall make a grant—

4           “(A) to each eligible State that is not a  
5 territory, in an amount that bears the same  
6 ratio to 95 percent of the amount so reserved  
7 as the number of infants and toddlers from low-  
8 income families in the State bears to the total  
9 number of such infants and toddlers in all eligi-  
10 ble States that are not territories; and

11           “(B) to each eligible State that is a terri-  
12 tory, in an amount that bears the same ratio to  
13 5 percent of the amount so reserved as the  
14 number of infants and toddlers from low-income  
15 families in the territory bears to the total num-  
16 ber of such infants and toddlers in all eligible  
17 States that are territories.

18           “(2) USE OF FUNDS.—A State to which a grant  
19 is made under this subsection shall use the grant—

20           “(A) to expand access to high-quality child  
21 care for infants and toddlers who do not receive  
22 child care funded through the Child Care and  
23 Development Fund;

24           “(B) to increase, as described in this sec-  
25 tion, the quality of child care for infants and

1 toddlers who receive child care funded through  
2 the Child Care and Development Fund; and

3 “(C)(i) to support payment rates, for child  
4 care providers that serve infants and toddlers,  
5 that reflect the cost of high-quality child care  
6 and are sufficient to attract, support, and re-  
7 tain providers who meet quality standards that  
8 relate to the unique needs of infants and tod-  
9 dlers, including infants and toddlers with dis-  
10 abilities; and

11 “(ii) to increase the compensation of, and  
12 provide other financial incentives for, the high-  
13 ly-qualified infant and toddler child care work-  
14 force.

15 “(b) GRANTS FOR MAINTAINING ACCESS TO CHILD  
16 CARE.—From the amount reserved under subsection  
17 (g)(6) for a fiscal year, the Secretary shall make a grant—

18 “(1) to each eligible State that is not a terri-  
19 tory, in an amount that bears the same ratio to the  
20 amount so reserved as the amount payable to the  
21 State under section 418(a)(2)(B) for the fiscal year  
22 bears to the total of the amounts payable under such  
23 section for the fiscal year to all eligible States that  
24 are not territories; and

1           “(2) to each eligible State that is a territory, in  
2           an amount that bears the same ratio to 5 percent  
3           of the amount so reserved as the amount payable to  
4           the territory under section 418(a)(2)(B) for the fis-  
5           cal year bears to the total of the amounts payable  
6           under such section for the fiscal year to all eligible  
7           States that are territories.

8           “(c) GRANTS FOR INDIAN AND NATIVE HAWAIIAN  
9 CHILD CARE.—

10           “(1) IN GENERAL.—

11           “(A) GRANT FORMULA.—In order to en-  
12           sure that Indian and Native Hawaiian children  
13           have equal access to high-quality infant and  
14           toddler child care, the Secretary shall develop a  
15           formula for allotting the amount reserved under  
16           subsection (g)(2) among Indian tribes and trib-  
17           al organizations, and shall make a grant to  
18           each Indian tribe and tribal organization in an  
19           amount equal to the amount allotted to the In-  
20           dian tribe or tribal organization under the for-  
21           mula.

22           “(B) FORMULA FACTORS.—In developing  
23           the formula, the Secretary shall—

24           “(i) provide for a level of funding that  
25           will ensure that, by the end of fiscal year

1           2026, the Indian and Native Hawaiian in-  
2           fants and toddlers in eligible families will  
3           receive a level of services that is equivalent  
4           to the high-quality child care received by  
5           infants and toddlers in the general popu-  
6           lation under this section;

7                   “(ii) take into consideration the  
8                   unique needs and circumstances of individ-  
9                   uals in Indian and Native Hawaiian com-  
10                  munities, such as unemployment rates; and

11                   “(iii) the cost of providing high-qual-  
12                  ity child care that addresses Indian and  
13                  Native Hawaiian culture and language.

14                  “(2) USE OF FUNDS.—An Indian tribe or tribal  
15                  organization to which a grant is made under this  
16                  subsection shall use the grant to provide high-quality  
17                  child care to infants and toddlers in low-income fam-  
18                  ilies.

19                  “(d) GRANTS FOR CHILD CARE DURING UNCONVEN-  
20                  TIONAL HOURS.—

21                   “(1) IN GENERAL.—From the amount reserved  
22                   under subsection (g)(5) for each fiscal year, the Sec-  
23                   retary may make a grant—

24                           “(A) to each eligible State that is not a  
25                           territory, in an amount that bears the same

1 ratio to the amount so reserved as the total of  
2 the amounts payable to the State under section  
3 418 and this section for the fiscal year bears to  
4 the total of the amounts payable under such  
5 sections for the fiscal year to all eligible States  
6 that are not territories; and

7 “(B) to each eligible State that is a terri-  
8 tory, in an amount that bears the same ratio to  
9 5 percent of the amount so reserved as the total  
10 of the amounts payable to the territory under  
11 section 418 and this section for the fiscal year  
12 bears to the total of the amounts payable under  
13 such sections for the fiscal year to all eligible  
14 States that are territories.

15 “(2) USE OF FUNDS.—A State to which a grant  
16 is made under this subsection shall use the grant to  
17 enable the provision of child care during nonradi-  
18 tional and unpredictable hours.

19 “(e) APPLICABILITY OF CERTAIN REQUIREMENTS  
20 RELATING TO CHILD CARE FUNDING.—Subsections  
21 (a)(2)(D), (a)(5), (b), and (c) of section 418 shall apply  
22 with respect to this section in the same way such sub-  
23 sections apply with respect to section 418.

24 “(f) APPROPRIATION.—For grants under this section,  
25 there are appropriated—



- 1           “(1) \$3,745,000,000 for fiscal year 2018;  
2           “(2) \$4,212,000,000 for fiscal year 2019;  
3           “(3) \$4,926,000,000 for fiscal year 2020;  
4           “(4) \$5,972,000,000 for fiscal year 2021;  
5           “(5) \$7,038,000,000 for fiscal year 2022;  
6           “(6) \$8,146,000,000 for fiscal year 2023;  
7           “(7) \$9,775,000,000 for fiscal year 2024;  
8           “(8) \$11,416,000,000 for fiscal year 2025;  
9           “(9) \$13,169,000,000 for fiscal year 2026; and  
10          “(10) \$15,222,000,000 for fiscal year 2027.

11          “(g) RESERVATIONS OF FUNDS.—From the amounts  
12 appropriated under subsection (f) for each fiscal year, the  
13 Secretary shall—

14           “(1) reserve an amount for grants under sub-  
15 section (a) (relating to expanding access to high-  
16 quality child care);

17           “(2) reserve not less than 2 percent for grants  
18 under subsection (c) (relating to Indian and Native  
19 Hawaiian child care);

20           “(3) reserve not more than 0.5 percent for re-  
21 search and evaluation of activities under this section;

22           “(4) reserve not more than 0.5 percent for the  
23 provision of technical assistance relating to activities  
24 under this section;

1           “(5) reserve 6 percent for grants under sub-  
2           section (d) (relating to child care provided during  
3           nontraditional and unpredictable hours); and

4           “(6) reserve the remainder for grants under  
5           subsection (b) (relating to maintaining access to  
6           child care).

7           “(h) DEFINITIONS.—In this section:

8           “(1) CHILD CARE AND DEVELOPMENT FUND.—  
9           The term ‘Child Care and Development Fund’  
10          means the funds appropriated under the Child Care  
11          and Development Block Grant Act of 1990 (42  
12          U.S.C. 9858 et seq.) and the funds appropriated  
13          under section 418 of this Act.

14          “(2) ELIGIBLE FAMILY.—The term ‘eligible  
15          family’ means a low-income family that has, and  
16          needs child care for, an infant or toddler.

17          “(3) ELIGIBLE INFANT OR TODDLER.—The  
18          term ‘eligible infant or toddler’ means an infant or  
19          toddler from a low-income family.

20          “(4) HIGH-QUALITY.—This term ‘high-quality’,  
21          used with respect to child care (including early care  
22          and learning), means child care that—

23                  “(A) meets the needs of working families,  
24                  including full-day and full-year options;

1           “(B) provides adequate compensation to  
2           attract, retain, and develop a well-qualified  
3           workforce, and provides opportunities for care-  
4           givers to progress through professional develop-  
5           ment goals;

6           “(C) promotes age-appropriate social, emo-  
7           tional, cognitive, and physical development;

8           “(D) coordinates activities with Head Start  
9           and other public and private agencies to ensure  
10          that infants and toddlers are referred to other  
11          appropriate community services; and

12          “(E) engages with parents in their roles as  
13          first teachers and partners with parents in their  
14          child’s early care and learning and transition to  
15          pre-kindergarten or a Head Start program.

16          “(5) INFANT OR TODDLER.—The term ‘infant  
17          or toddler’ means a child who has not attained 4  
18          years of age.

19          “(6) INFANT OR TODDLER WITH A DIS-  
20          ABILITY.—The term ‘infant or toddler with a dis-  
21          ability’ has the meaning given the term in section  
22          632 of the Individuals with Disabilities Education  
23          Act (20 U.S.C. 1432).

24          “(7) LOW-INCOME FAMILY.—The term ‘low-in-  
25          come family’ means a family with a family income

1 of not more than 200 percent of the applicable Fed-  
2 eral poverty guideline.

3 “(8) NATIVE HAWAIIAN.—The term ‘Native  
4 Hawaiian’ has the meaning given the term in section  
5 6207 of the Elementary and Secondary Education  
6 Act of 1965 (20 U.S.C. 7517).

7 “(9) TERRITORY.—The term ‘territory’ means  
8 the Virgin Islands of the United States, the Com-  
9 monwealth of Puerto Rico, Guam, American Samoa,  
10 and the Commonwealth of the Northern Mariana Is-  
11 lands

12 “(10) TRIBAL ORGANIZATION.—The term ‘trib-  
13 al organization’ has the meaning given the term in  
14 section 658P of the Child Care and Development  
15 Block Grant Act of 1990 (42 U.S.C. 9858n).”.

16 **SEC. 4. APPLICABILITY OF STATE OR LOCAL HEALTH AND**  
17 **SAFETY STANDARDS TO OTHER TANF CHILD**  
18 **CARE SPENDING.**

19 Section 402(a) of the Social Security Act (42 U.S.C.  
20 602(a)) is amended by adding at the end the following:

21 “(8) CERTIFICATION OF PROCEDURES TO EN-  
22 SURE THAT CHILD CARE PROVIDERS COMPLY WITH  
23 APPLICABLE STATE OR LOCAL HEALTH AND SAFETY  
24 STANDARDS.—A certification by the Governor of a  
25 State that procedures are in effect to ensure that

1 any child care provider in the State that provides  
2 services funded through expenditures under this part  
3 or with qualified State expenditures complies with  
4 all applicable State or local health and safety re-  
5 quirements as described in section 658E(c)(2)(I) of  
6 the Child Care and Development Block Grant Act of  
7 1990.”.

8 **SEC. 5. AVAILABILITY OF CHILD CARE FOR PARENTS RE-**  
9 **QUIRED TO WORK.**

10 Section 407(e)(2) of the Social Security Act (42  
11 U.S.C. 607(e)(2)) is amended—

12 (1) by inserting “or other individual with cus-  
13 tody” after “parent”; and

14 (2) by striking “6” and inserting “13”.

15 **SEC. 6. APPLICATION OF CHILD CARE AND DEVELOPMENT**  
16 **BLOCK GRANT ACT OF 1990 REPORTING**  
17 **RULES TO TANF FUNDS EXPENDED FOR**  
18 **CHILD CARE.**

19 (a) IN GENERAL.—Section 411(a) of the Social Secu-  
20 rity Act (42 U.S.C. 611(a)) is amended—

21 (1) by redesignating paragraph (7) as para-  
22 graph (8); and

23 (2) by inserting after paragraph (6) the fol-  
24 lowing:

1           “(7) APPLICATION OF CHILD CARE AND DEVELOP-  
2           OPMENT BLOCK GRANT ACT OF 1990 REPORTING  
3           RULES TO FUNDS EXPENDED FOR CHILD CARE.—  
4           Any funds provided under this part that are ex-  
5           pended for child care, whether or not transferred to  
6           the Child Care and Development Block Grant Act of  
7           1990, shall be subject to the individual and case  
8           data reporting requirements imposed under that Act  
9           and need not be included in the report required by  
10          paragraph (1) for a fiscal quarter.”.

11          (b)           CONFORMING           AMENDMENT.—Section  
12          411(a)(1)(A)(ix) of such Act (42 U.S.C. 611(a)(1)(A)(ix))  
13          is amended by striking “supplemental nutrition assistance  
14          program benefits, or subsidized child care, and if the latter  
15          2,” and inserting “or supplemental nutrition assistance  
16          program benefits, and if the latter,”.

17          **SEC. 7. EFFECTIVE DATE.**

18          (a) IN GENERAL.—Subject to subsections (b) and (c),  
19          the amendments made by this Act shall take effect on Oc-  
20          tober 1, 2018, and shall apply to payments under part  
21          A of title IV of the Social Security Act for calendar quar-  
22          ters beginning on or after such date, without regard to  
23          whether regulations to implement the amendments are  
24          promulgated by such date.

1 (b) APPLICATION OF REPORTING RULES.—The  
2 amendments made by section 6 shall take effect on Octo-  
3 ber 1, 2019.

4 (c) DELAY PERMITTED IF STATE LEGISLATION RE-  
5 QUIRED.—In the case of a State plan under section 402(a)  
6 of the Social Security Act which the Secretary of Health  
7 and Human Services determines requires State legislation  
8 (other than legislation appropriating funds) in order for  
9 the plan to meet the additional requirements imposed by  
10 the amendments made by this Act, the State plan shall  
11 not be regarded as failing to comply with the requirements  
12 of such section 402(a) solely on the basis of the failure  
13 of the plan to meet such additional requirements before  
14 the 1st day of the 1st calendar quarter beginning after  
15 the close of the 1st regular session of the State legislature  
16 that begins after the date of the enactment of this Act.  
17 For purposes of the previous sentence, in the case of a  
18 State that has a 2-year legislative session, each year of  
19 such session shall be deemed to be a separate regular ses-  
20 sion of the State legislature.

○