

116TH CONGRESS  
2D SESSION

# S. 3567

To provide State funding to ensure that essential workers can access child care.

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## IN THE SENATE OF THE UNITED STATES

MARCH 22, 2020

Mrs. SHAHEEN (for herself, Ms. BALDWIN, Ms. HASSAN, Ms. HARRIS, Mr. REED, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To provide State funding to ensure that essential workers can access child care.

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 “Helping Health Care  
5 Workers Afford Child and Elder Care Act”.

6 **SEC. 2. STATE FUNDING TO ENSURE THAT ESSENTIAL**  
7 **WORKERS CAN ACCESS CHILD CARE.**

8 (a) INCREASE IN FUNDING.—

9 (1) IN GENERAL.—The amount specified in  
10 subsection (c) of section 2003 of the Social Security

1 Act for purposes of subsections (a) and (b) of such  
 2 section is deemed to be \$6,700,000,000 for fiscal  
 3 year 2020, of which \$5,000,000,000 shall be obli-  
 4 gated by States during calendar year 2020 in ac-  
 5 cordance with subsection (b) of this section.

6 (2) APPROPRIATION.—Out of any money in the  
 7 Treasury of the United States not otherwise appro-  
 8 priated, there are appropriated \$5,000,000,000 for  
 9 fiscal year 2020 to carry out this section.

10 (b) RULES GOVERNING USE OF ADDITIONAL  
 11 FUNDS.—

12 (1) IN GENERAL.—Funds are used in accord-  
 13 ance with this subsection if—

14 (A) the funds are used for—

15 (i) child care services for a child of an  
 16 essential worker; or

17 (ii) daytime care services or other  
 18 adult protective services for an individual  
 19 who—

20 (I) is a dependent, or a member  
 21 of the household of, an essential work-  
 22 er; and

23 (II) requires the services;

24 (B) the funds are provided to reimburse an  
 25 essential worker for the cost of obtaining the

1 services (including child care services obtained  
2 on or after the date the Secretary of Health  
3 and Human Services declared a public health  
4 emergency pursuant to section 319 of the Pub-  
5 lic Health Service Act on January 31, 2020, en-  
6 titled “Determination that a Public Health  
7 Emergency Exists Nationwide as the Result of  
8 the 2019 Novel Coronavirus”), to a provider of  
9 child care services, or to establish a temporary  
10 child care facility operated by a State or local  
11 government;

12 (C) eligibility for the funds or services, and  
13 the amount of funds or services provided, is not  
14 conditioned on a means test;

15 (D) the funds are used subject to the limi-  
16 tations in section 2005 of the Social Security  
17 Act, except that, for purposes of this subpara-  
18 graph—

19 (i) paragraphs (3), (5), and (8) of sec-  
20 tion 2005(a) of such Act shall not apply;  
21 and

22 (ii)(I) the limitation in section  
23 2005(a)(7) of such Act shall not apply  
24 with respect to any standard which the  
25 State involved determines would impede

1 the ability of the State to provide emer-  
2 gency temporary care to a child, depend-  
3 ent, or household member referred to in  
4 subparagraph (A) of this paragraph; and

5 (II) if the State determines that such  
6 a standard would be so impeding, the  
7 State shall report the determination to the  
8 Secretary, separately from the annual re-  
9 port to the Secretary by the State;

10 (E) the funds are used to supplement, not  
11 supplant, State general revenue funds for child  
12 care assistance; and

13 (F) the funds are not used for child care  
14 costs that are—

15 (i) covered by funds provided under  
16 the Child Care and Development Block  
17 Grant Act of 1990 or section 418 of the  
18 Social Security Act; or

19 (ii) reimbursable by the Federal  
20 Emergency Management Agency.

21 (2) ESSENTIAL WORKER DEFINED.—In para-  
22 graph (1), the term “essential worker” means—

23 (A) a health sector employee, including but  
24 not limited to a licensed nurse, clinical nurse  
25 assistant, medical nurse assistant, nurse practi-

1           tioner, physician assistant, physician, home  
2           health aide, laboratory technician, or other li-  
3           censed health care professionals as determined  
4           appropriate by the Secretary of Health and  
5           Human Services;

6                   (B) an emergency response worker;

7                   (C) a sanitation worker;

8                   (D) a worker at a business which a State  
9           or local government official has determined  
10          must remain open to serve the public during the  
11          emergency referred to in paragraph (1)(B); and

12                   (E) any other worker who cannot telework,  
13          and whom the State deems to be essential dur-  
14          ing the emergency referred to in paragraph  
15          (1)(B).

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