

112TH CONGRESS  
2D SESSION

# H. R. 5188

To provide guaranteed child care assistance for low-income families.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2012

Mr. McDERMOTT (for himself, Mr. GEORGE MILLER of California, Mr. STARK, Mr. LEWIS of Georgia, and Ms. MOORE) 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 provide guaranteed child care assistance for low-income families.

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 “Ensuring Child Care  
5 for Working Families Act of 2012”.

6 **SEC. 2. CHILD CARE FUNDING.**

7 (a) IN GENERAL.—Section 418 of the Social Security  
8 Act (42 U.S.C. 618) is amended to read as follows:

1 **“SEC. 418. FUNDING FOR CHILD CARE.**

2 “(a) GENERAL CHILD CARE ENTITLEMENT.—

3 “(1) GENERAL ENTITLEMENT.—Each State  
4 shall, for the purpose of providing child care assist-  
5 ance, be entitled to payments under a grant under  
6 this subsection for a fiscal year in an amount equal  
7 to the greater of—

8 “(A) the total amount required to be paid  
9 to the State under section 403 for fiscal year  
10 1994 or 1995 (whichever is greater) with re-  
11 spect to expenditures for child care under sub-  
12 sections 402(g) and (i) of section 402 (as in ef-  
13 fect before October 1, 1995); or

14 “(B) the average of the total amounts re-  
15 quired to be paid to the State for fiscal years  
16 1992 through 1994 under the subsections re-  
17 ferred to in subparagraph (A).

18 “(2) REMAINDER.—

19 “(A) GRANTS.—The Secretary shall use  
20 any amounts appropriated for a fiscal year  
21 under paragraph (3) of this subsection, and re-  
22 maining after grants are awarded under para-  
23 graph (1) of this subsection, to make grants to  
24 States (and Indian tribes and tribal organiza-  
25 tions with applications approved under section  
26 6580(c) of the Child Care and Development

1 Block Grant Act of 1990) in the amounts nec-  
2 essary to provide guaranteed child care assist-  
3 ance to the populations described in subsection  
4 (b)(2) of this section.

5 “(B) FEDERAL MATCHING OF STATE EX-  
6 PENDITURES EXCEEDING HISTORICAL EXPEND-  
7 ITURES.—The Secretary shall pay to each eligi-  
8 ble State for a fiscal year an amount equal to  
9 the Federal medical assistance percentage for  
10 the State for fiscal year (as defined in section  
11 1905(b), as such section was in effect on Sep-  
12 tember 30, 1995) of so much of the State’s ex-  
13 penditures for child care in that fiscal year as  
14 exceed the total amount of expenditures by the  
15 State (including expenditures from amounts  
16 made available from Federal funds) in fiscal  
17 year 1994 or 1995 (whichever is greater) for  
18 the programs described in paragraph (1)(A) of  
19 this subsection.

20 “(3) APPROPRIATION.—For grants under this  
21 section, there are appropriated to the Secretary such  
22 sums as are necessary to carry out this section for  
23 each fiscal year.

24 “(4) DATA USED TO DETERMINE STATE AND  
25 FEDERAL SHARES OF EXPENDITURES.—In making

1 the determinations concerning expenditures required  
2 under paragraphs (1) and (2)(B), the Secretary  
3 shall use information that was reported by the State  
4 on ACF Form 231 and available as of the applicable  
5 dates specified in clauses (i)(I), (ii), and (iii)(III) of  
6 section 403(a)(1)(D).

7 “(b) USE OF FUNDS.—

8 “(1) IN GENERAL.—Amounts received by a  
9 State, Indian tribe, or tribal organization under this  
10 section shall be—

11 “(A) used only to provide child care assist-  
12 ance; and

13 “(B) available for use without fiscal year  
14 limitation.

15 “(2) CHILD CARE TO BE GUARANTEED FOR  
16 CERTAIN POPULATIONS.—As a condition of receiving  
17 funds under this section, a State (or Indian tribe or  
18 tribal organization with an application approved  
19 under section 658O(c) of the Child Care and Devel-  
20 opment Block Grant Act of 1990) shall guarantee  
21 child care assistance for a family with a dependent  
22 child requiring such care, if—

23 “(A) the total income of the family does  
24 not exceed 200 percent of the poverty line  
25 (within the meaning of section 673(2) of the

1 Omnibus Budget Reconciliation Act of 1981,  
2 including any revision required by such section  
3 applicable to a family of the size involved); and

4 “(B) the child care assistance will enable  
5 an individual in the family (including an indi-  
6 vidual receiving assistance under the State pro-  
7 gram funded under this part) to accept employ-  
8 ment, remain employed, or participate in an  
9 education or training activity.

10 “(c) APPLICATION OF CHILD CARE AND DEVELOP-  
11 MENT BLOCK GRANT ACT OF 1990.—Notwithstanding  
12 any other provision of law, amounts provided to a State  
13 under this section shall be transferred to the lead agency  
14 under the Child Care and Development Block Grant Act  
15 of 1990, integrated by the State into the programs estab-  
16 lished by the State under such Act, and be subject to the  
17 requirements and limitations of such Act.

18 “(d) REGULATIONS.—The Secretary shall promul-  
19 gate regulations to implement this section.”.

20 (b) EFFECTIVE DATE.—The amendment made by  
21 subsection (a) shall take effect on the 1st day of the 1st  
22 fiscal year that begins after the 12-month period that be-  
23 gins with the date of the enactment of this Act.

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