

114TH CONGRESS
2D SESSION

S. 3070

To amend the Public Health Service 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.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2016

Mr. FRANKEN (for himself and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service 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.

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 2016”.

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

3 Part P of title III of the Public Health Service Act
4 (42 U.S.C. 280g et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 399V-6. DIAPER DISTRIBUTION DEMONSTRATION**
7 **PROJECT.**

8 “(a) IN GENERAL.—The Secretary shall make grants
9 to eligible entities to conduct demonstration projects that
10 implement and evaluate strategies to help families with eli-
11 gible children address the diapering supply needs of such
12 children.

13 “(b) PURPOSE.—The purpose of the diaper distribu-
14 tion demonstration project under this section is to identify
15 new approaches to reduce the substantial cost of diapers
16 and related supplies for low-income families and mitigate
17 the health risks, including increased rates of depression
18 and anxiety, that can arise when low-income families do
19 not have an adequate supply of diapers for infants and
20 toddlers.

21 “(c) APPLICATION REQUIREMENTS.—An entity de-
22 siring a grant under this section shall submit to the Sec-
23 retary an application that includes the following:

24 “(1) A description of how the entity will use the
25 grant funds in a cost-effective manner to develop a
26 diaper distribution program that will provide suffi-

1 cient diapers and diapering supplies to each partici-
2 pating family, and the mechanisms the entity has in
3 place to ensure the safety and appropriateness of the
4 diapers and diapering supplies provided to families.

5 “(2) A description of how the entity will coordi-
6 nate with other State, Federal, and community-
7 based programs and agencies (particularly other pro-
8 grams and agencies targeted at assisting infants,
9 toddlers, or the parents or guardians of infants or
10 toddlers) that provide benefits and services to fami-
11 lies participating in the diaper distribution program,
12 to integrate the distribution of diapers and diapering
13 supplies with the delivery of such other benefits and
14 services.

15 “(3) A description of how the entity will provide
16 for the delivery of benefits under the diaper distribu-
17 tion program, which may include—

18 “(A) cash assistance to be used to pur-
19 chase diapers and diapering supplies;

20 “(B) vouchers, coupons, electronic benefit
21 transfer systems, or any other non-cash method
22 to be used to purchase diapers and diapering
23 supplies, except that the entity may not require
24 a store to cover the cost of any equipment, sys-
25 tem, or processing required for any such meth-

1 od as a condition of participation in the pro-
2 gram;

3 “(C) assistance in distributing diapers and
4 diapering supplies from any programs or agen-
5 cies the entity considers appropriate;

6 “(D) the distribution of diapers and dia-
7 pering supplies at diaper banks or through
8 other nonprofit organizations described in sec-
9 tion 501(c)(3) of the Internal Revenue Code of
10 1986 and exempt from taxation under section
11 501(a) of such Code, including through the as-
12 sistance of other State or Federal agencies that
13 partner with such organizations to assist with
14 diaper and diapering supply distribution; and

15 “(E) the distribution of diapers and dia-
16 pering supplies at any other location or through
17 any other means that will allow the entity to de-
18 liver diapers and diapering supplies to partici-
19 pating families without undue inconvenience.

20 “(d) ELIGIBLE ENTITIES.—To be eligible to receive
21 a grant under this section, an entity shall be a State or
22 local governmental entity, an Indian tribe or tribal organi-
23 zation (as defined in section 4 of the Indian Self-Deter-
24 mination and Education Assistance Act), or a nonprofit
25 organization.

1 “(e) USE OF FUNDS.—An entity to which a grant
2 is made under this section shall use the grant funds to
3 carry out a diaper distribution program in accordance with
4 the grant application submitted under subsection (c) and
5 approved by the Secretary.

6 “(f) NO EFFECT ON OTHER PROGRAMS.—Any as-
7 sistance or benefits provided to a family pursuant to a
8 grant made to a State under this section shall be dis-
9 regarded for purposes of determining the family’s eligi-
10 bility for, or amount of, benefits under any other Federal
11 needs-based program or State-funded needs based pro-
12 gram that is financed in whole or in part with Federal
13 funds.

14 “(g) REPORTS.—As a condition of receiving a grant
15 under this section for a fiscal year, the entity shall submit
16 to the Secretary, not later than 6 months after the end
17 of the fiscal year, a report that specifies—

18 “(1) the number of children and the number of
19 families receiving assistance from the entity under
20 the diaper assistance program for each month of the
21 fiscal year, and the number of such children and
22 families who also receive assistance during the fiscal
23 year under other relevant public assistance pro-
24 grams, as determined by the Secretary;

1 “(2) the number of diapers, and the number of
2 each type of diapering supply distributed under the
3 diaper distribution program for each month of the
4 fiscal year; and

5 “(3) the method or methods the entity uses to
6 distribute diapers and diapering supplies.

7 “(h) EVALUATION.—The Secretary, in consultation
8 with each entity that receives a grant under this section,
9 shall—

10 “(1) not later than September 30, 2018—

11 “(A) complete an evaluation of the effec-
12 tiveness of the diaper distribution programs
13 carried out pursuant to this section and of
14 varying approaches for distributing diapers and
15 diapering supplies used in such programs;

16 “(B) submit to the relevant congressional
17 committees a report on the results of such eval-
18 uation; and

19 “(C) publish the results of the evaluation
20 on the Internet website of the Department of
21 Health and Human Services; and

22 “(2)(A) not later than September 30, 2022, up-
23 date the evaluation described in paragraph (1)(A);
24 and

1 “(B) not later than 90 days after completion of
2 the updated evaluation under subparagraph (B)—

3 “(i) submit to the relevant congressional
4 committees a report describing the results of
5 such evaluation; and

6 “(ii) update the website described in para-
7 graph (1)(C) to include the results of such eval-
8 uation.

9 “(i) DEFINITIONS.—In this section:

10 “(1) The term ‘diaper’ means an absorbent gar-
11 ment that is washable or disposable that is worn by
12 a child who cannot control bladder or bowel move-
13 ments, and, in the case of a washable diaper, pro-
14 vided together with the support necessary, such as
15 washing instruction and troubleshooting, to ensure
16 that such diapers will be properly cleaned and avail-
17 able for reuse.

18 “(2) The term ‘diapering supplies’ means items,
19 including diaper wipes and diaper cream, necessary
20 to ensure that a child using a diaper is properly
21 cleaned and protected from diaper rash, and that the
22 surrounding population is protected from harmful
23 bacteria originating from dirty diapers.

24 “(3) The term ‘eligible child’ means a child
25 who—

1 “(A) is not toilet-trained;

2 “(B) has not attained 4 years of age, un-
3 less the entity determines that the child has a
4 substantial physical or mental impairment that
5 requires the child to wear diapers; and

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

13 “(4) The term ‘participating family’ means a
14 family that includes an eligible child participating in
15 a diaper distribution program carried out pursuant
16 to this section.

17 “(5) The term ‘toilet-trained’ means able and
18 willing to use a toilet consistently such that diapers
19 are not necessary on a daily basis.

20 “(j) AUTHORIZATION OF APPROPRIATIONS.—

21 “(1) IN GENERAL.—To carry out this section,
22 there are authorized to be appropriated for each of
23 fiscal years 2017 through 2021 \$75,000,000.

24 “(2) AVAILABILITY OF FUNDS.—Funds pro-
25 vided to an entity under this section for a fiscal year

1 may be expended only in the fiscal year or the suc-
2 ceeding fiscal year.”.

○