

116TH CONGRESS
2D SESSION

S. 3567

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

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

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

the ability of the State to provide emergency temporary care to a child, dependent, or household member referred to in subparagraph (A) of this paragraph; and

(II) if the State determines that such a standard would be so impeding, the State shall report the determination to the Secretary, separately from the annual report to the Secretary by the State;

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

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

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

(ii) reimbursable by the Federal Emergency Management Agency.

(2) ESSENTIAL WORKER DEFINED.—In paragraph (1), the term “essential worker” means—

(A) a health sector employee, including but not limited to a licensed nurse, clinical nurse 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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