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REPORT
116–160

CHILD CARE QUALITY AND ACCESS ACT OF 2019

JULY 18, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. NEAL, from the Committee on Ways and Means, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3298]

[Including cost estimate of the Congressional Budget Office]

The Committee on Ways and Means, to whom was referred the bill (H.R. 3298) to increase entitlement funding for child care, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Care Quality and Access Act of 2019".

SEC. 2. INCREASE IN ENTITLEMENT FUNDING TO MATCH STATE CHILD CARE INVESTMENTS.

Section 418(a)(3) of the Social Security Act (42 U.S.C. 618(a)(3)) is amended by striking "$2,917,000,000 for each of fiscal years 2017 and 2018" and inserting "$3,917,000,000 for each of fiscal years 2020 and 2021".

Amend the title so as to read:

A bill to increase entitlement funding to match State child care investment.

I. SUMMARY AND BACKGROUND

A. Purpose and Summary

H.R. 3298, the "Child Care for Working Families Act," as amended and ordered favorably reported by the Committee on Ways and Means on June 20, 2019, increases federal dollars available to match state investments in child care quality and access for working families.

B. Background and Need for Legislation

The cost of safe, good-quality child care prevents many low and middle-income parents from working, or forces them to work fewer hours, or accept lower wages. A year of child care in the United States costs an average of $9,000-$9,600, which means it would consume more than 10 percent of family income for the median married couple family with one child.[1] Low-income families that use paid child care have to spend a greater share of their income—nearly a third—to purchase child care.[2]

At our March 7 Worker and Family Support Subcommittee hearing, Yvette McKinnie, a Chicago grandmother with custody of her grandsons, explained how the cost of child care forced her to move to a lower-paying job with more flexible hours. Mrs. McKinnie testified,

> "If I could have received assistance with the $600 per month to pay for childcare, I could have kept Elijah at Ms. McKinney's childcare program where he could have continued speech and occupational therapy. I also could have kept my job to help provide for our family's needs." [3]

The federal government provides direct support to improve child care quality and subsidize child care costs for low- and middle-income families through the Child Care and Development Block Grant (CCDBG), which is funded through annual appropriations

[1] ChildCare Aware of America, The U.S. and the High Cost of Child Care: 2018, October 22, 2018.

[2] National Women's Law Center https://nwlc.org/resources/child-care-is-fundamental-to-americas-children-families-and-economy/.

[3] https://waysandmeans.house.gov/sites/democrats.waysandmeans.house.gov/files/documents/116–10%20WORKFAM.pdf.

and provided $5.276 billion in 2019,[4] and the Child Care Entitlement to States (CCES), which is entitlement funding to provide fixed state grants and additional matching funds. CCES has been authorized at $2.917 billion per year since 2006.[5] The two funding streams are administered together, as the Child Care and Development Fund (CCDF), providing one cohesive federal childcare program.

CCDF provides assistance to approximately 1.4 million children, or about 1 in 6 children eligible for help. 450,000 fewer children received federal childcare assistance in 2017 than in 2006.[6] CCDF is also the primary source of funding for a number of state activities that improve child care quality and access for all families, not just those receiving direct subsidies. More than two-thirds of states rely almost entirely on CCDF to pay for child care resource and referral systems, health and safety standards training, child care facility licensing and monitoring, and child care workforce professional development.[7]

The National Academy of Sciences (NAS) recently estimated that improving access to direct and tax code subsidies that reduce out-of-pocket childcare costs would add more than half a million workers to the economy—a 2% increase in employment for every 10% reduction in out-of-pocket child care costs for families.[8] The NAS further identified improving child care access as one of the most cost-effective approaches to reducing child poverty.[9]

Because the CCES requires states to match new federal investments, CCES investments expand child care access by more than the increase in federal spending. The Congressional Research Service has estimated that a $1 billion annual increase in CCES funding would increase total CCES spending by $1.726 billion.[10]

C. Legislative History

Background

H.R. 3298 was introduced on June 18, 2019 and was referred to the Committee on Ways and Means.

Committee hearings

On March 7, 2019, the Subcommittee on Worker and Family Support held a hearing entitled "Leveling the Playing Field for Working Families: Challenges and Opportunities" at which witnesses testified about the additional challenges working parents and grandparents face.

Committee action

The Committee on Ways and Means marked up H.R. 3298, the "Child Care Quality and Access Act of 2019," on June 20, 2019, and

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[4] House Report 115–952.
[5] Congressional Research Service. https://www.crs.gov/reports/pdf/IF10511.
[6] https://www.cbpp.org/research/housing/child-care-and-housing-big-expenses-with-too-little-help-available.
[7] https://www.gao.gov/products/GAO-19-261.
[8] https://www.nap.edu/read/25246/chapter/1.
[9] https://www.nap.edu/read/25246/chapter/1.
[10] LOC Staff, Cong. Research Serv., Memo to Committee Staff, *Allocation Estimates and Required State Spending Under a Proposal to Increase Mandatory Appropriations for the Child Care Entitlement to States by 1.0 Billion* (2019).

ordered the bill, as amended, favorably reported (with a quorum being present) by a recorded vote of 22 yeas to 18 nays.

II. EXPLANATION OF THE BILL

A. CHILD CARE QUALITY AND ACCESS ACT OF 2019

CURRENT LAW

The Child Care Entitlement to States (CCES) provides funds to states and tribes to subsidize child care costs for families with income that does not exceed 85 percent of the state's median income, and also to invest in child care quality. The Department of Health and Human Services is required to set aside between 1 and 2 percent of funds for tribal grants and use the first $1.2 billion to provide fixed allotments to all states and may reserve up to 0.5 percent for technical assistance and 0.5 percent for research. Any remaining funds are to be used to match state investments in child care at the federal medical assistance percentage (FMAP). In order to be eligible for federal matching funds states must also contribute a maintenance-of-effort fixed at about $888 million. CCES is authorized to receive $2.917 billion in direct appropriations in 2019.[11]

REASONS FOR CHANGE

The Committee believes that additional investment is needed to ensure that parents have access to safe, high-quality child care while they are working. Additional investment will increase workforce participation and earnings among parents and caregivers, reducing child and family poverty.

EXPLANATION OF PROVISIONS

Section 1. Short Title. Child Care Quality and Access Act of 2019.

Section 2. Increase in Entitlement Funding for Child Care. This section amends Section 418 of the Social Security Act to provide $3.917 billion for the Child Care Entitlement to States in both 2020 and 2021.

EFFECTIVE DATE

The bill is effective upon enactment.

III. VOTES OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the following statement is made concerning the vote of the Committee on Ways and Means in its consideration of H.R. 3298, the Child Care Quality and Access Act of 2019, on June 20, 2019.

An amendment to the amendment in the nature of a substitute by Jackie Walorski, which would increase total mandatory funding for child care by $3 billion, was withdrawn and no vote was taken.

The vote on Mr. Thompson's motion to table Mr. LaHood's appeal of the ruling of the Chair was agreed to by a vote of 25 yeas to 16 nays. The vote was as follows:

[11] Section 418 of the Social Security Act.

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Neal	X			Mr. Brady		X	
Mr. Lewis	X			Mr. Nunes			
Mr. Doggett	X			Mr. Buchanan		X	
Mr. Thompson	X			Mr. Smith		X	
Mr. Larson	X			Mr. Marchant		X	
Mr. Blumenauer	X			Mr. Reed		X	
Mr. Kind	X			Mr. Kelly		X	
Mr. Pascrell	X			Mr. Holding		X	
Mr. Davis	X			Mr. Smith		X	
Ms. Sánchez	X			Mr. Rice		X	
Mr. Higgins	X			Mr. Schweikert		X	
Ms. Sewell	X			Ms. Walorski		X	
Ms. DelBene	X			Mr. LaHood (IL)		X	
Ms. Chu (CA)	X			Mr. Wenstrup		X	
Ms. Moore	X			Mr. Arrington		X	
Mr. Kildee	X			Mr. Ferguson		X	
Mr. Boyle	X			Mr. Estes		X	
Mr. Beyer	X						
Mr. Evans	X						
Mr. Schneider	X						
Mr. Suozzi	X						
Mr. Panetta	X						
Ms. Murphy	X						
Mr. Gomez	X						
Mr. Horsford	X						

The amendment in the nature of a substitute to H.R. 3298 was agreed to by voice vote (with a quorum being present).

H.R. 3298 was ordered favorably reported to the House of Representatives as amended by a roll call vote of 22 yeas to 18 nays. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Neal	X			Mr. Brady		X	
Mr. Lewis	X			Mr. Nunes			
Mr. Doggett		X		Mr. Buchanan		X	
Mr. Thompson	X			Mr. Smith (NE)		X	
Mr. Larson	X			Mr. Marchant		X	
Mr. Blumenauer	X			Mr. Reed		X	
Mr. Kind		X		Mr. Kelly		X	
Mr. Pascrell	X			Mr. Holding		X	
Mr. Davis	X			Mr. Smith (MO)		X	
Ms. Sánchez	X			Mr. Rice			
Mr. Higgins	X			Mr. Schweikert		X	
Ms. Sewell	X			Ms. Walorski		X	
Ms. DelBene	X			Mr. LaHood		X	
Ms. Chu	X			Mr. Wenstrup		X	
Ms. Moore	X			Mr. Arrington		X	
Mr. Kildee	X			Mr. Ferguson		X	
Mr. Boyle	X			Mr. Estes		X	
Mr. Beyer	X						
Mr. Evans	X						
Mr. Schneider	X						
Mr. Suozzi	X						
Mr. Panetta	X						
Ms. Murphy		X					
Mr. Gomez	X						
Mr. Horsford	X						

IV. BUDGET EFFECTS OF THE BILL

A. Committee Estimate of Budgetary Effects

In compliance with clause 3(d) of rule XIII of the Rules of the House of Representatives, the following statement is made concerning the effects on the budget of the bill, H.R. 3298, as reported. The Committee agrees with the estimate prepared by the Congressional Budget Office (CBO), which is included below.

B. Statement Regarding New Budget Authority and Tax Expenditures Budget Authority

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee states that the Congressional Budget Office has estimated that the bill would increase budget authority by $5 billion over the five-year period from 2019–2024, and by $10 billion over the 2019–2029. The Committee states further that the bill involves no new or increased tax expenditures.

C. Cost Estimate Prepared by the Congressional Budget Office

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, requiring a cost estimate prepared by the CBO, the following statement by CBO is provided.

U.S. Congress,
Congressional Budget Office,
Washington, DC, June 26, 2019.

Hon. Richard Neal,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3298, the Child Care Quality and Access Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susanne S. Mehlman.

Sincerely,

Mark P. Hadley
(For Phillip L. Swagel, Director).

Enclosure.

H.R. 3298, Child Care Quality and Access Act of 2019
As ordered reported by the House Committee on Ways and Means on June 20, 2019

By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	4,735	9,735
Revenues	0	0	0
Deficit Effect	0	4,735	9,735
Spending Subject to Appropriation (Outlays)	0	0	0

		Mandate Effects	
Statutory pay-as-you-go procedures apply?	Yes		
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	> $5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 3298 would amend title IV of the Social Security Act to appropriate $3.9 billion for the Child Care Entitlement program in each of fiscal years 2020 and 2021, providing a total appropriation of $7.8 billion. Consistent with the rules specified in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Deficit Control Act), CBO assumes that the changes made to that program would continue after 2021, the final year of authorization under the bill. The child care program is currently authorized through June 30, 2019, at an annualized rate of $2.9 billion. CBO's baseline projections include the assumption that the program will continue at that level of funding consistent with the rules in the Deficit Control Act.

Thus, relative to CBO's baseline, H.R. 3298 would increase funding for the program by $1 billion annually. Accordingly, and based on historical spending patterns for that program, CBO estimates that enacting H.R. 3298 would increase direct spending by $9.7 billion over the 2019–2029 period.

CBO estimates that enacting H.R. 3298 would increase net direct spending and on-budget deficits by more than $5 billion in all four consecutive 10-year periods beginning in 2030.

The estimated budgetary effects of H.R. 3298 is shown in Table 1. The costs of the legislation, detailed in Table 1, fall within budget function 600 (income security).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 3298

	By fiscal year, millions of dollars—												
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2019–2024	2019–2029
Increases in Direct Spending													
Child Care Entitlement:													
Budget Authority	0	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	5,000	10,000
Estimated Outlays	0	770	970	995	1,000	1,000	1,000	1,000	1,000	1,000	1,000	4,735	9,735

The CBO staff contact for this estimate is Susanne S. Mehlman. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

V. OTHER MATTERS TO BE DISCUSSED UNDER THE RULES OF THE HOUSE

A. Committee Oversight Findings and Recommendations

With respect to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee made findings and recommendations that are reflected in this report.

B. Statement of General Performance Goals and Objectives

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the bill is intended to increase the share of eligible children who receive child care assistance under the Child Care Entitlement to States.

C. Information Relating to Unfunded Mandates

This information is provided in accordance with section 423 of the Unfunded Mandates Reform Act of 1995 (Pub. L. No. 104–4). The Committee has determined that the bill does not contain Federal mandates on the private sector. The Committee has determined that the bill does not impose a Federal intergovernmental mandate on State, local, or tribal governments.

D. Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits

With respect to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee has carefully reviewed the provisions of the bill, and states that the provisions of the bill do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits within the meaning of the rule.

E. Duplication of Federal Programs

In compliance with clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee states that no provision of the bill establishes or reauthorizes: (1) a program of the Federal Government known to be duplicative of another Federal program; (2) a program included in any report to Congress pursuant to section 21 of Public Law 111–139; or (3) a program related to a program identified in the most recent Catalog of Federal Domestic Assistance, published pursuant section 6104 of title 31, United States Code.

F. Hearings

In compliance with Sec.103(i) of H. Res. 6 (116th Congress) the following hearing was used to develop or consider H.R. 3298: Leveling the Playing Field for Working Families: Challenges and Opportunities, held on March 7, 2019.

VI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e)(1)(B) of rule XIII of the Rules of the House of Representatives, changes in existing law proposed by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

SOCIAL SECURITY ACT

* * * * * * *

TITLE IV—GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WELFARE SERVICES

* * * * * * *

PART A—BLOCK GRANTS TO STATES FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

* * * * * * *

SEC. 418. FUNDING FOR CHILD CARE.

(a) GENERAL CHILD CARE ENTITLEMENT.—

(1) GENERAL ENTITLEMENT.—Subject to the amount appropriated under paragraph (3), each State shall, for the purpose of providing child care assistance, be entitled to payments under a grant under this subsection for a fiscal year in an amount equal to the greater of—

(A) the total amount required to be paid to the State under section 403 for fiscal year 1994 or 1995 (whichever is greater) with respect to expenditures for child care under subsections (g) and (i) of section 402 (as in effect before October 1, 1995); or

(B) the average of the total amounts required to be paid to the State for fiscal years 1992 through 1994 under the subsections referred to in subparagraph (A).

(2) REMAINDER.—

(A) GRANTS.—The Secretary shall use any amounts appropriated for a fiscal year under paragraph (3), and remaining after the reservation described in paragraph (4) and after grants are awarded under paragraph (1), to make grants to States under this paragraph.

(B) ALLOTMENTS TO STATES.—The total amount available for payments to States under this paragraph, as deter-

mined under subparagraph (A), shall be allotted among the States based on the formula used for determining the amount of Federal payments to each State under section 403(n) (as in effect before October 1, 1995).

(C) FEDERAL MATCHING OF STATE EXPENDITURES EXCEEDING HISTORICAL EXPENDITURES.—The Secretary shall pay to each eligible State for a fiscal year an amount equal to the lesser of the State's allotment under subparagraph (B) or the Federal medical assistance percentage for the State for the fiscal year (as defined in section 1905(b), as such section was in effect on September 30, 1995) of so much of the State's expenditures for child care in that fiscal year as exceed the total amount of expenditures by the State (including expenditures from amounts made available from Federal funds) in fiscal year 1994 or 1995 (whichever is greater) for the programs described in paragraph (1)(A).

(D) REDISTRIBUTION.—

(i) IN GENERAL.—With respect to any fiscal year, if the Secretary determines (in accordance with clause (ii)) that any amounts allotted to a State under this paragraph for such fiscal year will not be used by such State during such fiscal year for carrying out the purpose for which the such amounts are allotted, the Secretary shall make such amounts available in the subsequent fiscal year for carrying out such purpose to one or more States which apply for such funds to the extent the Secretary determines that such States will be able to use such additional amounts for carrying out such purpose. Such available amounts shall be redistributed to a State pursuant to section 403(n) (as such section was in effect before October 1, 1995) by substituting "the number of children residing in all States applying for such funds" for "the number of children residing in the United States in the second preceding fiscal year".

(ii) TIME OF DETERMINATION AND DISTRIBUTION.—The determination of the Secretary under clause (i) for a fiscal year shall be made not later than the end of the first quarter of the subsequent fiscal year. The redistribution of amounts under clause (i) shall be made as close as practicable to the date on which such determination is made. Any amount made available to a State from an appropriation for a fiscal year in accordance with this subparagraph shall, for purposes of this part, be regarded as part of such State's payment (as determined under this subsection) for the fiscal year in which the redistribution is made.

(3) APPROPRIATION.—For grants under this section, there are appropriated ⟦$2,917,000,000 for each of fiscal years 2017 and 2018⟧ *$3,917,000,000 for each of fiscal years 2020 and 2021.*

(4) INDIAN TRIBES.—The Secretary shall reserve not less than 1 percent, and not more than 2 percent, of the aggregate amount appropriated to carry out this section in each fiscal year for payments to Indian tribes and tribal organizations.

(5) DATA USED TO DETERMINE STATE AND FEDERAL SHARES OF EXPENDITURES.—In making the determinations concerning expenditures required under paragraphs (1) and (2)(C), the Secretary shall use information that was reported by the State on ACF Form 231 and available as of the applicable dates specified in clauses (i)(I), (ii), and (iii)(III) of section 403(a)(1)(D).

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts received by a State under this section shall only be used to provide child care assistance. Amounts received by a State under a grant under subsection (a)(1) shall be available for use by the State without fiscal year limitation.

(2) USE FOR CERTAIN POPULATIONS.—A State shall ensure that not less than 70 percent of the total amount of funds received by the State in a fiscal year under this section are used to provide child care assistance to families who are receiving assistance under a State program under this part, families who are attempting through work activities to transition off of such assistance program, and families who are at risk of becoming dependent on such assistance program.

(c) APPLICATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT of 1990.—Notwithstanding any other provision of law, amounts provided to a State under this section shall be transferred to the lead agency under the Child Care and Development Block Grant Act of 1990, integrated by the State into the programs established by the State under such Act, and be subject to requirements and limitations of such Act.

(d) DEFINITION.—As used in this section, the term "State" means each of the 50 States and the District of Columbia.

* * * * * * *

VII. DISSENTING VIEWS

Committee Republicans opposed Worker and Family Support Chairman Davis' bill, H.R. 3298, the Child Care Quality and Access Act of 2019.

On June 3, 2019, the House voted again, for the 39th time, to extend the Temporary Assistance for Needy Families, or TANF program. During Floor debate on the bill, Committee Republicans called on Democratic leadership to allow this Committee to work in a bipartisan manner to develop a long-term extension to TANF that focuses giving families and individuals the tools, including increased child care benefits, so they can prepare for, find and keep a good job.

Given the chance to work together, we have the opportunity to make economic and social gains in ways not seen in decades, so families are better off financially. Better wages and stable work bring along a host of benefits, most importantly, the positive impact on children who are spared the trauma that comes from unrest in the home.

Instead of focusing on a permeant solution that is fully offset by other spending, like what we've offered in H.R. 1753, the Jobs and Opportunity with Benefits and Services (JOBS) for Success Act, the Committee moved a temporary, unpaid-for increase in child care. We've seen the impact of temporary funding over the last two years: states know they can't rely on the dollars, so instead of helping more families, the increased dollars go into temporary items. The goal should be to increase the number of eligible families being served, providing real help to those that need it most. The JOBS for Success Act increases resources available to support child care to more than $14 billion annually, better utilizing existing funds and allowing up to half of a state's annual allocation to be used for child care in a fiscally responsible way.

Everyone on this Committee should agree that hard-working families trying to move out of poverty should have access to child care, an important work support that helps families climb the economic ladder and achieve the American Dream.

Unfortunately, the bill approved by the Committee does not do that, and instead adds $9.734 billion to the debt without a spending offset. Committee Republicans want to work on bipartisan changes to improve child care under TANF and have come forward with a viable plan to improve support for families in need by nearly doubling historic funding levels, with appropriate spending offsets.

We look forward to working together and moving a bill to the floor prior to the program's expiration at the end of the fiscal year.

KEVIN BRADY,
Republican Leader,
Committee on Ways and Means.
JACKIE WALORSKI,
Worker and Family Support,
Republican Leader.

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