

112TH CONGRESS
1ST SESSION

S. 1435

To amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance for needy families program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2011

Mr. KERRY (for himself and Mr. FRANKEN) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance for needy families program, and for other purposes.

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 “Children First Act of
5 2011”.

1 **SEC. 2. EXCLUSION OF CHILD CARE FROM THE DEFINITION**
2 **OF TANF ASSISTANCE.**

3 Section 408(a)(7) of the Social Security Act (42
4 U.S.C. 608(a)(7)) is amended by adding at the end the
5 following:

6 “(H) LIMITATION ON MEANING OF ‘AS-
7 SISTANCE’ FOR FAMILIES RECEIVING CHILD
8 CARE.—For purposes of subparagraph (A), any
9 funds provided under this part that are used to
10 provide child care for a family during a month
11 under the State program funded under this
12 part shall not be considered assistance under
13 the program.”.

14 **SEC. 3. INCREASE IN FUNDING FOR CHILD CARE.**

15 Section 418(a)(3) of the Social Security Act (42
16 U.S.C. 618(a)(3)) is amended—

17 (1) by striking the period at the end of sub-
18 paragraph (G) and inserting a semicolon; and

19 (2) by adding at the end the following:

20 “(H) \$3,417,000,000 for fiscal year 2012;

21 “(I) \$3,617,000,000 for fiscal year 2013;

22 and

23 “(J) \$3,667,000,000 for each of fiscal
24 years 2014 through 2021.

1 For amounts appropriated for grants under this sec-
2 tion for fiscal year 2011, see section 811(a) of Pub-
3 lic Law 111–291.”.

4 **SEC. 4. APPLICABILITY OF STATE OR LOCAL HEALTH AND**
5 **SAFETY STANDARDS TO OTHER TANF CHILD**
6 **CARE SPENDING.**

7 Section 402(a) of the Social Security Act (42 U.S.C.
8 602(a)) is amended by adding at the end the following:

9 “(8) CERTIFICATION OF PROCEDURES TO EN-
10 SURE THAT CHILD CARE PROVIDERS COMPLY WITH
11 APPLICABLE STATE OR LOCAL HEALTH AND SAFETY
12 STANDARDS.—A certification by the chief executive
13 officer of the State that procedures are in effect to
14 ensure that any child care provider in the State that
15 provides services funded through expenditures under
16 this part or with qualified State expenditures com-
17 plies with all applicable State or local health and
18 safety requirements as described in section
19 658E(c)(2)(F) of the Child Care and Development
20 Block Grant Act of 1990.”.

21 **SEC. 5. AVAILABILITY OF CHILD CARE FOR PARENTS RE-**
22 **QUIRED TO WORK.**

23 Section 407(e)(2) of the Social Security Act (42
24 U.S.C. 607(e)(2)) is amended—

1 (1) by inserting “or other individual with cus-
2 tody” after “parent”; and

3 (2) by striking “6” and inserting “13”.

4 **SEC. 6. APPLICATION OF CHILD CARE AND DEVELOPMENT**
5 **BLOCK GRANT ACT OF 1990 REPORTING**
6 **RULES TO TANF FUNDS EXPENDED FOR**
7 **CHILD CARE.**

8 (a) IN GENERAL.—Section 411(a) of the Social Secu-
9 rity Act (42 U.S.C. 611(a)) is amended—

10 (1) by redesignating paragraph (7) as para-
11 graph (8); and

12 (2) by inserting after paragraph (6), the fol-
13 lowing:

14 “(7) APPLICATION OF CHILD CARE AND DEVEL-
15 OPMENT BLOCK GRANT ACT OF 1990 REPORTING
16 RULES TO FUNDS EXPENDED FOR CHILD CARE.—
17 Any funds provided under this part that are ex-
18 pended for child care, whether or not transferred to
19 the Child Care and Development Block Grant Act of
20 1990, shall be subject to the individual and case
21 data reporting requirements imposed under that Act
22 and need not be included in the report required by
23 paragraph (1) for a fiscal quarter.”.

24 (b) CONFORMING AMENDMENT.—Section
25 411(a)(1)(A)(ix) of such Act (42 U.S.C. 611(a)(1)(A)(ix))

1 is amended by striking “supplemental nutrition assistance
2 program benefits, or subsidized child care, and if the latter
3 2,” and inserting “or supplemental nutrition assistance
4 program benefits, and if the latter,”.

5 **SEC. 7. EFFECTIVE DATE.**

6 (a) IN GENERAL.—Subject to subsections (b) and (c),
7 the amendments made by this Act shall take effect on Oc-
8 tober 1, 2011, and shall apply to payments under part
9 A of title IV of the Social Security Act for calendar quar-
10 ters beginning on or after such date, without regard to
11 whether regulations to implement the amendments are
12 promulgated by such date.

13 (b) APPLICATION OF REPORTING RULES.—The
14 amendments made by section 6 shall take effect on Octo-
15 ber 1, 2012.

16 (c) DELAY PERMITTED IF STATE LEGISLATION RE-
17 QUIRED.—In the case of a State plan under section 402(a)
18 of the Social Security Act which the Secretary of Health
19 and Human Services determines requires State legislation
20 (other than legislation appropriating funds) in order for
21 the plan to meet the additional requirements imposed by
22 the amendments made by this Act, the State plan shall
23 not be regarded as failing to comply with the requirements
24 of such section 402(a) solely on the basis of the failure
25 of the plan to meet such additional requirements before

1 the 1st day of the 1st calendar quarter beginning after
2 the close of the 1st regular session of the State legislature
3 that begins after the date of the enactment of this Act.
4 For purposes of the previous sentence, in the case of a
5 State that has a 2-year legislative session, each year of
6 such session shall be deemed to be a separate regular ses-
7 sion of the State legislature.

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