

112TH CONGRESS  
1ST SESSION

# S. 1778

To amend the Child Care and Development Block Grant Act of 1990 to include the provision of diapers and diapering supplies among the activities for which funds may be employed to improve the quality of and access to child care.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2011

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Child Care and Development Block Grant Act of 1990 to include the provision of diapers and diapering supplies among the activities for which funds may be employed to improve the quality of and access to 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 “Diaper Investment and  
5 Aid to Promote Economic Recovery Act” or the “DIAPER  
6 Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) access to a reliable supply of clean diapers  
4 is a medical necessity for the health and welfare of  
5 infants and toddlers, their families, and child and  
6 health care providers;

7 (2) a supply of diapers is generally an eligibility  
8 requirement for infants and toddlers to participate  
9 in early childhood education programs;

10 (3) providing a sufficient supply of diapers can  
11 cause economic hardship to needy families;

12 (4) absent access to child care, parents and  
13 guardians of infants and toddlers cannot participate  
14 in the workforce, and that lack of access causes eco-  
15 nomic harm to many families;

16 (5) providing diapering systems to needy in-  
17 fants and toddlers through child care programs fur-  
18 thers the national goals of improved health and sani-  
19 tation for families and for staff in early childhood  
20 education and child care programs; and

21 (6) making available clean diapers to needy in-  
22 fants and toddlers who would otherwise be prevented  
23 from participating in child care programs furthers  
24 the national goal of safe and quality child care, and  
25 therefore enables better implementation of the Child  
26 Care and Development Block Grant Act of 1990.

1 **SEC. 3. PROVISION OF DIAPERS AS CHILD CARE ASSIST-**  
 2 **ANCE.**

3 The Child Care and Development Block Grant Act  
 4 of 1990 (42 U.S.C. 9801 et seq.) is amended—

5 (1) in section 658E(c)(3)(C) (42 U.S.C.  
 6 9858e(c)(3)(C)) by adding at the end the following:  
 7 “Provision of diapers and diapering supplies for use  
 8 by eligible children within the State who receive or  
 9 are offered child care services for which financial as-  
 10 sistance is provided under this subchapter shall be  
 11 considered a direct service and shall not be included  
 12 in administrative costs.”;

13 (2) in section 658G (42 U.S.C. 9858e) is  
 14 amended by adding at the end the following: “Those  
 15 improvement activities include the provision of dia-  
 16 pers and diapering supplies to child care providers  
 17 that receive funding under this subchapter, suffi-  
 18 cient for the population of untrained children, each  
 19 of whom is under the age of 3 and has a parent who  
 20 receives or is offered financial assistance under this  
 21 subchapter for the child involved.”; and

22 (3) in section 658P by inserting after para-  
 23 graph (2) the following:

24 “(3) DIAPER-RELATED TERMS.—

25 “(A) DIAPER.—The term ‘diaper’—

1           “(i) means an absorbent garment  
 2 worn by infants and toddlers who are not  
 3 toilet-trained or individuals who are in-  
 4 capable of controlling their bladder or  
 5 bowel movements; and

6           “(ii) refers to—

7                 “(I) a disposable diaper (as de-  
 8 fined in clause (i)); and

9                 “(II) a washable cloth diaper (as  
 10 so defined) and the requisite diaper  
 11 laundering and delivery services nec-  
 12 essary to provide a sufficient number  
 13 of such diapers for the corresponding  
 14 number of untrained children in the  
 15 eligible population.

16           “(B) DIAPERING SUPPLIES.—The term  
 17 ‘diapering supplies’ means items, including dia-  
 18 per wipes, and diaper cream, necessary for safe  
 19 diapering.

20           “(C) UNTRAINED CHILD.—The term ‘un-  
 21 trained child’ means an infant, toddler, or indi-  
 22 vidual described in subparagraph (A)(i).”.

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