

115TH CONGRESS
1ST SESSION

H. R. 3466

To provide support for pre-kindergarten education through an Early Education Trust Fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2017

Mr. DELANEY (for himself, Mr. ELLISON, Ms. NORTON, Mr. NOLAN, Mr. MCNERNEY, and Mr. LANGEVIN) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide support for pre-kindergarten education through an Early Education Trust Fund, 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 “Early Learning Act
5 of 2017”.

1 **SEC. 2. EXPENDITURES FOR PRE-KINDERGARTEN EDU-**
2 **CATION.**

3 (a) IN GENERAL.—Not later than August 15 of each
4 year, beginning with 2018, from amounts in the Early
5 Education Trust Fund established by section 3, the Sec-
6 retary of Education (in this section referred to as the
7 “Secretary”) shall award to the State pre-kindergarten
8 agency for each State the amount estimated under sub-
9 section (b)(1)(A) for such State and year, subject to para-
10 graphs (1)(A) and (2) of subsection (d).

11 (b) CONDITIONS FOR AWARDS.—Amounts may only
12 be awarded under subsection (a) to a State pre-kinder-
13 garten agency for a State for a year if the head of such
14 agency—

15 (1) submits to the Secretary—

16 (A) not later than June 15 of such year,
17 an estimate of the amount described in para-
18 graph (1) of subsection (c) for such State and
19 year; and

20 (B) not later than November 1 of such
21 year, for each enrolled 4-year-old in such State,
22 the number of hours for which such 4-year-old
23 is enrolled at a pre-kindergarten program in
24 such State for the school year beginning in such
25 year; and

1 (2) provides such assurances as the Secretary
2 may require that—

3 (A) such amounts will be used only to sup-
4 port pre-kindergarten programs;

5 (B) the State will expend for pre-kinder-
6 garten programs, during the 1-year period be-
7 ginning on August 15 of such year not less
8 than the amount expended by the State for
9 such programs during the 1-year period begin-
10 ning on August 15 of the previous year; and

11 (C) each resident of the State who is 4
12 years old on October 1 of such year has the op-
13 portunity to enroll in a free pre-kindergarten
14 program.

15 (c) AMOUNT DESCRIBED.—

16 (1) IN GENERAL.—The amount described in
17 this paragraph is, with respect to a State and a
18 year, the sum of the products determined under
19 paragraph (2) for all enrolled 4-year-olds in the
20 State for the year.

21 (2) PRODUCT DETERMINED.—The product de-
22 termined under this paragraph for an enrolled 4-
23 year-old for a year is the product of—

24 (A) \$5 (adjusted annually by the Secretary
25 of Education for inflation, beginning with 2019,

1 on the basis of the consumer price index for all
2 urban consumers); and

3 (B) the number of hours reported under
4 subsection (b)(1)(B) for such enrolled 4-year-
5 old for the school year beginning in such year
6 (not to exceed 1,600).

7 (d) ADJUSTMENTS TO PAYMENTS.—

8 (1) RECONCILIATION OF PAYMENT.—For each
9 State pre-kindergarten agency for a year:

10 (A) OVERPAYMENT.—If the amount
11 awarded under subsection (a) is greater than
12 the amount described in paragraph (1) of sub-
13 section (c), the amount to be awarded under
14 subsection (a) for the following year shall be re-
15 duced by the difference between such amounts.

16 (B) UNDERPAYMENT.—If the amount
17 awarded under subsection (a) is less than the
18 amount described in paragraph (1) of sub-
19 section (c), not later than December 31 of such
20 year, from amounts in the Early Education
21 Trust Fund established by section 3, the Sec-
22 retary shall award to such State pre-kinder-
23 garten agency the difference between such
24 amounts, subject to paragraph (2).

1 (2) INSUFFICIENT FUNDS.—If, as of a date, the
2 amounts available to be awarded on such date from
3 the Early Education Trust Fund are less than the
4 amounts to be awarded on such date under this sec-
5 tion without regard to this paragraph, the Secretary
6 shall ratably reduce the amounts to be awarded.

7 (e) DEFINITIONS.—In this section:

8 (1) ENROLLED 4-YEAR-OLD.—The term “en-
9 rolled 4-year-old” means, with respect to a year, an
10 individual who, as of October 1 of such year—

11 (A) is 4 years old; and

12 (B) is enrolled at a pre-kindergarten pro-
13 gram for at least 900 hours for the school year
14 beginning in such year.

15 (2) PRE-KINDERGARTEN PROGRAM.—The term
16 “pre-kindergarten program” means a program that
17 is—

18 (A) offered by a nonprofit or governmental
19 entity;

20 (B) designed to provide pre-kindergarten
21 education for at least 900 hours during a school
22 year; and

23 (C) accredited by the State pre-kinder-
24 garten agency for the State in which such pro-

1 gram operates or by another accrediting entity
2 approved by such State.

3 (3) STATE PRE-KINDERGARTEN AGENCY.—The
4 term “State pre-kindergarten agency” means, with
5 respect to a State, the agency responsible for over-
6 sight of pre-kindergarten education in the State.

7 **SEC. 3. EARLY EDUCATION TRUST FUND.**

8 (a) CREATION OF TRUST FUND.—There is hereby es-
9 tablished in the Treasury of the United States a trust fund
10 to be known as the “Early Education Trust Fund”, con-
11 sisting of such amounts as may be appropriated or cred-
12 ited to such Trust Fund as provided in this section.

13 (b) TRANSFER TO TRUST FUND OF AMOUNTS
14 EQUIVALENT TO CERTAIN TAXES.—There are hereby ap-
15 propriated to the Early Education Trust Fund amounts
16 equivalent to the taxes received in the Treasury under sec-
17 tion 59A of the Internal Revenue Code of 1986 (relating
18 to surtax for Early Education Trust Fund).

19 (c) EXPENDITURES FROM TRUST FUND.—Amounts
20 in the Early Education Trust Fund shall be available,
21 without further appropriation, to carry out section 2.

22 (d) ADMINISTRATIVE PROVISIONS.—

23 (1) TRANSFER OF AMOUNTS.—The amounts
24 appropriated by subsection (b) shall be transferred
25 at least monthly from the general fund of the Treas-

1 “(b) NOT TREATED AS TAX IMPOSED BY THIS CHAP-
2 TER FOR CERTAIN PURPOSES.—The tax imposed under
3 this section shall not be treated as tax imposed by this
4 chapter for purposes of determining the amount of any
5 credit under this chapter or for purposes of section 55.”.

6 (b) CLERICAL AMENDMENT.—The table of parts for
7 subchapter A of chapter 1 of such Code is amended by
8 inserting after the item relating to part VI the following
9 new item:

 “PART VII. SURTAX FOR EARLY EDUCATION TRUST FUND.”.

10 (c) SECTION 15 NOT TO APPLY.—The amendment
11 made by subsection (a) shall not be treated as a change
12 in a rate of tax for purposes of section 15 of the Internal
13 Revenue Code of 1986.

14 (d) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to taxable years beginning after
16 December 31, 2016.

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