

UNDervalued

A Brief History of Women's Care Work and
Child Care Policy in the United States

THE NATIONAL WOMEN'S LAW CENTER

(NWLC) is a non-profit organization working to expand the possibilities for women and their families by removing barriers based on gender, opening opportunities, and helping women and their families lead economically secure, healthy, and fulfilled lives—with a special focus on the needs of low-income women and their families.

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INTRODUCTION

Women's work. Child care. For much of our nation's history, the two have been nearly synonymous. Yet the stories diverge along racial lines. Until at least the latter half of the 20th century, few types of work beyond unpaid care for their own children at home were viewed as socially acceptable for white women. Women of color, however, were employed—or enslaved—in domestic work, including child care for other families' children, for centuries.

The work of caring for children involves nurturing and developing the skills that enable an infant or young child to grow into a healthy and productive older child and adult: the physical skills that equip her to care for herself, the cognitive skills that prepare her to succeed in school and beyond, and the emotional skills (such as self-discipline and empathy) that allow her to thrive personally and within the broader society.¹ Child care, whether paid or unpaid, thus produces tremendous benefits for the child, the family, and the community at large. But because these benefits are often not immediate and instead play out over the long term, and are therefore not always recognized by the broader public, and—perhaps most importantly—because the benefits have been produced primarily by women's unpaid labor throughout most of history, child care work has rarely been viewed as “real” work and remains enormously undervalued.

Today, more women are in the labor force than ever before, in a range of jobs far wider than their grandmothers might have imagined. Yet in the U.S., child care is largely still viewed as women's work and—in contrast to nearly every other developed nation in the world—as a private responsibility rather than a public good. Millions of parents find the cost of high-quality child care out of reach, even as millions of women, especially women of color, employed in the child care industry are living just above, or even below, the poverty line. Despite considerable progress, women's choices around caregiving and employment remain constrained—not only by cultural norms, but also by public policy.

The history of child care in the United States has resulted in a fragmented patchwork of systems today in which high-quality child care is inaccessible and high-quality child care jobs are nearly nonexistent. But it doesn't have to be this way. By examining the origins of our broken child care system, we can better understand what must be done to fix it. In Part I, this report provides a brief overview of the state of child care in the United States. Part II traces how—through the persistent denigration of the care work performed by women, especially women of color, and resulting public policy decisions—we arrived at this point. And Part III identifies the policy solutions that are needed to move toward a system that works for both families and child care providers.

I. WHERE ARE WE TODAY?

In the U.S. today, women represent nearly half the labor force.² They are primary breadwinners in 42 percent of families with children, and they are co-breadwinners—bringing in between 25 percent and 49 percent of family earnings—in another 22 percent of these families.³ Even with their increased workforce participation, however, women retain the majority of caregiving responsibilities in the home.⁴ And whether women with child care responsibilities work outside the home or care for their own children full time without pay, they uniquely bear the costs of caregiving in a society that consistently undervalues this work, as do those women who enter the child care workforce to make a living.

THE COST OF CHILD CARE CONSTRAINS FAMILIES' OPTIONS—AND WOMEN ESPECIALLY PAY THE PRICE.

Child care outside the home is essential for the majority of families today. But families can find it extremely difficult to manage the expense: the average annual cost of full-time care ranges from nearly \$3,000 to over \$17,000 a year, depending on where the family lives, the type of care, and the age of the child.⁵

These costs fall especially hard on women. Women are still typically paid much less than men: median earnings for women in the U.S. working full time, year round are \$41,554, compared to \$51,640 for men—meaning women are typically paid just 80 cents for every dollar paid to their male counterparts, a gap that has scarcely narrowed in a decade.⁶ And wage gaps are much wider for women of color,⁷ mothers, and especially women of color who are mothers.⁸

In many two-parent families in which a woman earns less than her male partner, the cost of child care is viewed as coming entirely out of the woman's income. At the same time, women—particularly women of color—are far more likely than men to be single parents,⁹ who often have sole responsibility for supporting their families while bearing the full cost of child care. A woman who is paid \$33,000 annually—the median annual income for a Black mother working full time, year round¹⁰—would have to spend from a tenth to over half of her before-tax income to afford average-priced care for one child. Despite this exorbitant cost, many women have no choice other than to find a way to pay for child care.

While government programs exist to help some low-income parents afford child care, the assistance available varies tremendously across states and federal investment is inadequate to meet needs. Only 16 percent of the 13.4 million children eligible for federal child care assistance—about one in six—received it in 2013 (the most recent year for which data are available).¹¹ Public early childhood education programs can also provide care for young children while their parents are at work, but many families who would benefit from these programs cannot access them. For example, Head Start reaches only about half (52 percent) of eligible preschool-age children (children ages 3 and 4), and Early Head Start reaches only about 7 percent of eligible infants and toddlers (children under age 3).¹² Forty-three states and the District of Columbia fund preschool programs, but these programs serve only 32 percent of 4-year-olds and 5 percent of 3-year-olds, and many are only

part-day, which often presents challenges for working parents.¹³

With child care expenses representing a huge share of their earnings and assistance (or publicly funded early education options) often unavailable, many women may feel they have no choice but to leave the paid labor force, at least temporarily. While most mothers work outside the home, mothers of younger children are less likely to do so than mothers of school-age children; labor force participation is significantly higher among women with children age 6 to 17 (75 percent in 2016) than with children under 6 (65 percent in 2016; 63 percent if youngest child is under 3).¹⁴ The Center for American Progress estimates that every year, working families in the United States suffer at least \$8.3 billion in lost wages due to a lack of child care—that is, wages foregone because parents are forced to quit working or have to reduce their work hours because they cannot access child care.¹⁵

At the same time, women who exit the paid labor force to care for their children—whether because it is their preferred option or because the cost of child care is too high—pay a significant price. Even a temporary exit from the workforce can have long-term impacts on women's earnings, as they both forego wages and typically earn less when they resume working, which in turn reduces their retirement savings and Social Security benefits. The Center for American Progress estimates that over her lifetime a worker can expect to lose up to three or four times her annual salary for each year out of the labor force.¹⁶ For example, a woman earning \$33,000 annually who takes five years off at age 28 to care for her young children would lose nearly \$477,000 due to lost wages, retirement savings, and other benefits along with reduced earning potential—reducing her lifetime earnings by almost 20 percent.¹⁷

As a result, too many women find themselves in a double bind. Those who seek to work in the paid labor force often find it difficult to earn enough to afford child care. But many women who would prefer to take time out of the workforce to care for their children find that the effects on both their short- and long-term financial security are too severe to do so.

WOMEN WHO WORK AS CHILD CARE PROVIDERS CAN'T PROVIDE FOR THEIR OWN FAMILIES.

The more than 1.2 million women working in the child care field feel these constraints especially acutely, as many are paid too little to support—or afford child care for—their own families.¹⁸ The U.S. invests far less public money in supporting child care than most other industrialized nations,¹⁹ and on average, families in the U.S. spend almost a quarter (23 percent) of their net income on child care—nearly twice the average (12 percent) across similarly advanced countries.²⁰ Even as child care is unaffordable for many families, the limited ability of parents to pay, paired with inadequate public investments, constricts wages for child care workers.

Women, disproportionately women of color and immigrant women, make up 94 percent of the child care field.²¹ While typical pay for the small share of men who are child care workers is low, at \$11.54 per hour, women who are child care workers fare far worse, with a median wage of just \$9.62 per hour—half of typical hourly wages for working women overall (\$19.23 per hour), and 40 percent of men's typical wages overall (\$24.04 per hour).²² Hourly pay of \$9.62 amounts to about \$20,000 annually for full time work—just over the poverty line for a mother with two children.²³ Wages have scarcely risen for child care workers in real terms in the past two decades.²⁴

Table 1. Women in the Child Care Workforce: Demographic Characteristics

		Child care workers	% of all child care workers	Pre-K/K teachers	% of all pre-K/K teachers	All workers	% of all workers
Share of men v. women in the child care, pre-K/K, and overall workforces							
Sex	Men	82,156	6%	17,493	3%	79,936,236	53%
	Women	1,216,512	94%	564,646	97%	71,657,044	47%
Characteristics of women in the child care, pre-K/K, and overall workforces							
Race/Ethnicity	White, non-Hispanic women	702,246	58%	371,536	66%	45,598,209	64%
	Black women	180,804	15%	88,214	16%	9,402,817	13%
	Latinas	258,665	21%	76,868	14%	10,842,412	15%
	Asian/Pacific Islander women	45,491	4%	17,315	3%	4,252,082	6%
Nativity	U.S. born women	949,497	78%	501,206	89%	59,861,705	84%
	Foreign born women	267,015	22%	63,440	11%	11,795,339	16%
Educational Attainment	Women with less than high school diploma	168,269	14%	9,285	2%	5,536,574	8%
	Women with high school diploma or equivalent	369,721	30%	73,244	13%	15,871,616	22%
	Women with some college or Associate's degree	476,131	39%	227,729	40%	24,771,388	35%
	Women with Bachelor's degree or higher	202,391	17%	254,388	45%	25,477,466	36%

Source: NWLC calculations based on U.S. Census Bureau, 2015 American Community Survey 1-year estimates using IPUMS.

While highly educated women in the child care field are paid more than those in the field with less education, they still earn far less than they could in other occupations: the median wage for women child care workers with a bachelor's degree or higher is \$12.02 per hour—less than half the median wages for similarly educated women in the workforce overall (\$26.44 per hour).²⁵ Despite the importance of the earliest years to children's

development, people who provide care to the very youngest children typically earn the least, even relative to other early childhood educators; for example, at nearly every education level, child care workers are paid considerably less than pre-K and kindergarten teachers (who are often employed in public schools that are funded primarily by public tax dollars rather than parent fees).²⁶

Table 2. Women in the Child Care Workforce: Wages

		Median hourly wage for child care workers	Median hourly wage for pre-K/K teachers	Median hourly wage for all workers
Median hourly wages for men v. women in the child care, pre-K/K, and overall workforces				
Sex	Men	\$11.54	\$13.46	\$24.04
	Women	\$9.62	\$11.54	\$19.23
Median hourly wages for women in the child care, pre-K/K, and overall workforces, by select demographic characteristics				
Race/Ethnicity	White, non-Hispanic women	\$9.62	\$12.02	\$20.19
	Black women	\$10.58	\$11.06	\$16.49
	Latinas	\$9.62	\$11.54	\$14.42
	Asian/Pacific Islander women	\$9.62	\$12.50	\$23.08
Nativity	U.S. born women	\$9.62	\$11.54	\$19.23
	Foreign born women	\$9.71	\$12.50	\$16.83
Educational Attainment	Women with less than high school diploma	\$7.93	\$9.13	\$10.58
	Women with high school diploma or equivalent	\$9.57	\$8.89	\$13.94
	Women with some college or Associate's degree	\$9.62	\$9.90	\$16.83
	Women with Bachelor's degree or higher	\$12.02	\$16.25	\$26.44
Parental/Marital Status	Mothers	\$9.62	\$11.54	\$19.23
	Single mothers	\$9.62	\$10.14	\$14.81

Source: NWLC calculations based on U.S. Census Bureau, 2015 American Community Survey 1-year estimates using IPUMS.

More than one in six women who are child care workers live below the poverty line—twice the poverty rate for women workers overall—and poverty rates are even higher for women of color in the child care workforce, especially those who are supporting children of their own. More than one in five mothers in the child care workforce live in poverty, as do more than two in five single mothers.²⁷ Black and Latina child care workers and their families are especially vulnerable: for Latina

child care workers who are single mothers, for example, the poverty rate exceeds 50 percent.²⁸ It is hardly surprising, then, that few mothers in the field can afford formal child care for their own families; the Economic Policy Institute estimates that in 21 states and the District of Columbia, child care workers would have to spend over half of their annual earnings to pay for center-based infant care.²⁹

Table 3. Women in the Child Care Workforce: Poverty Rates

	Child care workers	Pre-K/K teachers	All workers
Share of women in poverty	18%	9%	9%
White, non-Hispanic women	15%	7%	7%
Black women	23%	16%	14%
Latinas	22%	10%	14%
Asian/Pacific Islander women	15%	4%	7%
Share of mothers in poverty	21%	11%	11%
White, non-Hispanic mothers	14%	8%	7%
Black mothers	34%	25%	21%
Latina mothers	28%	12%	18%
Asian/Pacific Islander mothers	13%	5%	6%
Share of single mothers in poverty	44%	28%	24%
White, non-Hispanic single mothers	38%	28%	19%
Black single mothers	44%	30%	29%
Latina single mothers	54%	23%	31%
Asian/Pacific Islander single mothers	*	*	16%

* indicates insufficient sample size

Source: NWLC calculations based on U.S. Census Bureau, 2015 American Community Survey 1-year estimates using IPUMS.

In one survey of early childhood teaching staff, nearly three-quarters expressed worry about having enough money to pay their bills, while almost half said they were worried about having enough food for their families. These worries were especially acute for workers supporting children.³⁰ Very few child care workers receive benefits like health insurance or retirement benefits through their jobs,³¹ and close to half of child care workers live in families assisted by one or more public support programs, like the Earned Income Tax Credit (EITC), Medicaid, and SNAP (food stamps), compared to 25 percent of the overall workforce.³² Among child care worker families headed by a single parent, four out of five whose youngest child is under 5 years old participate in public support programs, as do about two-thirds of those with school-age children.³³ Participation rates of Black, Latinx, and multiracial child care worker families are more than 1.5 times higher than the rate of white families.³⁴

Bleak as this picture is, these data likely overestimate child care worker pay overall because they may fail to capture a significant segment of the child care workforce who provide informal care, typically out of their homes, to friends, family, and/or neighbors.³⁵ This family, friend, and neighbor (FFN) care is particularly vital for families with parents who work non-traditional and/or unpredictable hours and for low-income families, for whom it can be nearly impossible to find formal child care options that are affordable and meet their needs.³⁶ But FFN providers often have very low incomes themselves: in an analysis of 2012 data (from a different data set than that cited above), the Economic Policy Institute estimated that child care workers who provide care in their own homes have median hourly earnings of just \$7.53.³⁷ This segment of the workforce is also overwhelmingly female (an estimated 98.7 percent), and these women are more likely than other child care workers to be born outside of the United States.³⁸

Government survey data similarly may undercount women who work (and sometimes live) in private homes as nannies, who are also disproportionately immigrant women, and often undocumented.³⁹ In a survey conducted on behalf of the National Domestic Workers Alliance (NDWA) in 2011-2012, researchers found that nannies who are undocumented immigrants have a median hourly wage of \$9.86 compared to \$12.56 for U.S.-born nannies, and some face even lower pay; the median hourly wage for undocumented Latinas is just \$8.31.⁴⁰ Obstacles like language barriers, lack of legal protections, and relationships with employers that are fraught with uneven power dynamics make undocumented women particularly vulnerable to exploitation.⁴¹ This vulnerability is heightened for the many who work as live-in nannies and find themselves essentially on call at all hours; their pay typically amounts to less than the minimum wage on an hourly basis,⁴² but with little legal recourse or alternative employment prospects, their ability to challenge employer abuses is extremely limited.⁴³ In the NDWA survey, 91 percent of domestic workers who experienced problems with their working conditions reported that they did not complain because they were afraid they would lose their jobs; among undocumented immigrants who reported problematic working conditions, 85 percent did not complain because they feared their immigration status would be used against them.⁴⁴

The challenges confronting millions of women across the country—those who seek care for their children while they work in the paid labor force; those who provide that care in private homes, in child care centers, or in their own homes; and those who care for their own children without pay—are wide-ranging and often distinct, but a common thread emerges: far too many women lack good choices. The constraints in which women find themselves today can be traced to the historic and systematic devaluation of caregiving in the United States, as explored in Part II.

II. HOW DID WE GET HERE?

Over the past century, women's overall participation in the paid labor force in the U.S. has risen dramatically, but the child care system that has evolved in response has been informed and shaped over the years by ingrained stereotypes around women's proper roles, including differences between the appropriate roles for white women and women of color.

FOR CENTURIES, PAID DOMESTIC SERVICE WORK HAS BEEN VIEWED AS THE DOMAIN OF WOMEN OF COLOR.

The industrial revolution at the end of the 18th century and into the early decades of the 19th entrenched the now-familiar male breadwinner/female caregiver model of the household, as more men went to work outside the home while women typically remained at home, where child-rearing and other domestic tasks were generally regarded as duties to be performed out of love, not for money.⁴⁵ This model was never true for all women, however, and especially not for women of color.⁴⁶

As historian Claudia Goldin observes, "Black women had been abundantly represented in the labor market as slaves and . . . remained so as freed persons."⁴⁷ In the decades immediately following the Civil War, the legacy of slavery not only minimized Black men's earning power, inducing Black women to enter the labor force, but also made "work for pay . . . less socially stigmatizing to [Black women] than it was to white women."⁴⁸ Even poor white women in virtually identical economic circumstances were far less likely to work for pay than their black counterparts.⁴⁹ Between 1890 and 1960, while white women's participation in

the labor force more than doubled (from 16 percent to 34 percent), as more and more married white women in particular entered the labor force, non-white women's labor force participation remained almost constant at around 40 percent.⁵⁰

Despite non-white women's consistent—and consistently higher—workforce participation relative to white women, they had very few occupations to choose from. While enslaved women often worked not only in the slaveholder's household but also side by side with enslaved men,⁵¹ the decades following the end of slavery saw a shift to a more gendered division of labor, in large part as a result of deliberate efforts—advanced by both white and Black leaders in the establishment of educational institutions serving the free Black population—to "reconstruct[] Black femininity and Black masculinity consistent with prevailing societal norms . . . as a strategy for gaining white respect, and presumably greater opportunities for African Americans."⁵² The goal, in other words, was to instruct Black women with regard to gender-appropriate domestic roles, but keep them in service to white families.

For example, Sophia Packard and Harriet Giles, two white missionaries from New England who founded the all-Black, all-female Spelman College in the 1880s, "believed in 'true womanhood,' and part of their mission was to inculcate Black women with this norm—but in a modified fashion," designing a curriculum that would prepare Black women to enter into domestic service.⁵³ During the early 20th century, Samuel Harris, principal of the Athens Colored High School in Georgia, worked with other Black men as well as whites to establish

“The Black Mammy Memorial Institute,” intended to “train young blacks in domestic skills and moral attitudes that were generally associated with ‘old black mammy’ in the south.”⁵⁴ Booker T. Washington’s Tuskegee Institute similarly focused on training Black women for domestic service as a mechanism to improve race relations; Washington asserted that because “[i]n the average white family of the South . . . the white child spends a large proportion of his life in the arms. . . of a Negro woman,”

*It is mighty important . . . for the civilization, for the happiness, for the health of the Southern white people that the colored nurse shall be intelligent, that she shall be clean, that she shall be morally fit to come in contact with that pure and innocent child.*⁵⁵

The educational opportunities available to Black women thus “ensured that [they] could take care of white families, rather than or at the expense of their own,” “provided them with training to compensate for their perceived moral failings,” and prepared them “to take their *rightful* positions in the workplace, often in the homes of white people, or in other low-paying occupations, which, in turn, constructed Black women as “true workers” (in contrast to white “true women”).⁵⁶

Domestic service accordingly became one of the only occupations open to Black women and other women of color,⁵⁷ and at least through the first half of the 20th century, most white middle-class women could hire a woman of lower social standing—likely a woman of color and/or a recent immigrant—to perform many of the more demanding household tasks, including caring for infants and children.⁵⁸ The racial and ethnic makeup of the class typically employed in domestic service varied by region;⁵⁹ for example, in the South, Black women overwhelmingly performed the cleaning and child care in white, middle-class homes, while in the Southwest, school systems tracked Latina students into homemaking

courses intended to train them for domestic service, and in the West, Japanese American women who left the internment camps in which they were imprisoned during World War II found their employment options were largely limited to domestic work.⁶⁰ In each case, the popular (white) narrative was that women of color were uniquely suited to perform the most undesirable household labor, which reaffirmed the lower status of both the work performed and the women who performed it.⁶¹

PERSISTENT GENDER STEREOTYPES HAVE DEPRESSED PAY FOR WOMEN AND THE JOBS IN WHICH THEY PREDOMINATE—ESPECIALLY CHILD CARE JOBS.

For much of our nation’s history, the work of caring for children for pay has been performed largely by women of color within private homes. The “indelible badge of racial inferiority”⁶² borne by such domestic service is a key reason that it often has not been recognized as “real” work, both in public perception and under the law; for example, domestic workers were excluded from the National Labor Relations Act enacted in 1935 and from the Fair Labor Standards Act enacted in 1938, and even today lack legal protections afforded to most other working people.⁶³

It is likely not only the strong association of child care with the work of women of color, however, that has devalued it. For an even longer stretch of history, child care was the work that most women did for no pay at all. It is the quintessential example of “women’s work”—work that has taken place not in an office or the marketplace, but behind the closed doors of the home; work that is therefore invisible.⁶⁴ And even as child care has been increasingly carried out by paid workers, often outside the home, it “seem[s] to retain [its] invisibility as labor”⁶⁵ and is consequently undervalued.

While child care as a paid occupation has expanded in response to women’s increased labor force participation, the paid work of child care continues to be performed almost exclusively by women.

Child care is thus not only a prime example of invisible work but also of occupational segregation—i.e., the concentration of women in one set of jobs and men in another—which in turn is a major driver of the gender wage gap.⁶⁶

Research consistently shows that “there is a clear penalty for working in female-dominated occupations;” across skill level and educational attainment, women (and men) working in female-dominated occupations are paid less than those working in occupations where men dominate or the gender balance is roughly equal.⁶⁷ For example, although the work done by janitors and building cleaners is highly similar to the work done by maids and housekeeping cleaners, the median hourly wage for a male-dominated janitor and building cleaner job is 11 percent higher than the median hourly wage for a female-dominated maid and housekeeping cleaner job.⁶⁸

This wage penalty exists in large part because it is women who are doing the work. A study of more than 50 years of data revealed that when women’s representation in particular fields substantially increased, wages declined, even when controlling for experience, skills, education, race and region⁶⁹—demonstrating that “wages follow sex composition rather than the other way around.”⁷⁰ As workers in parks and camps became predominantly female rather than predominantly male, for example, median hourly wages declined by 57 percent; the same phenomenon occurred when large numbers of women became ticket agents (wages dropped by 43 percent), designers (wages fell 34 percent), and biologists (wages dropped by 18 percent).⁷¹

As sociologist Paula England, one of the authors of the study, explains, it seems that employers—and our culture at large—assume that “if jobs are done by women, they cannot be worth much.”⁷² Moreover, there appears to be a wage penalty for care work, even compared to other female-dominated jobs—a penalty that England and her colleagues find to be

the largest, by far, in the child care field, where they conclude women are paid at least 26 percent less than they could earn in occupations that require similar levels of education, experience, and skills but do not involve providing care.⁷³ This additional penalty may be because care—and especially child care—is “symbolically associated with women and mothering more than other ‘female’ jobs and this association affects people’s sense of how much the job should be paid. . . . The general problem is that skills associated with mothering are more likely to be seen as ‘natural’ and, thus, either be unnoticed or be seen as not deserving of [pay].”⁷⁴ Moreover, “[w]hile mothers are revered, there is a sense that they should provide care out of love, not for money”—an expectation that may be extended to paid caregivers, as many may consciously or unconsciously view low wages as appropriate based on the belief that the primary motivation for performing the work should be affection for children.⁷⁵

FEDERAL CHILD CARE POLICY HAS REFLECTED—AND CONTRIBUTED TO—THE CONTINUING DEVALUATION OF CHILD CARE WORK.

The devaluation of work performed by women, especially women of color; the paternalistic elevation of the woman’s role as (unpaid) caregiver in the home; and the treatment of child care as a private household matter rather than a public good are all reflected in the ways that government has responded to the increasing demand for child care in the United States in the decades since women’s (especially white women’s) entry into the labor force began to accelerate. Moreover, federal child care policy has been shaped by the pressures of particular moments in time, which has resulted in a patchwork of child care assistance policies that do not reflect a consistent philosophy or aim to achieve a unified set of objectives—and in no instance has the child care workforce been at the forefront of the policy debate.

1900s-1920s: Mothers' Pensions, Not Child Care

At the 1909 White House Conference on the Care of Dependent Children, President Theodore Roosevelt declared, "Surely . . . the goal toward which we should strive is to help the mother, so that she can keep her own home and keep the child in it; that is the best thing possible to be done for the child."⁷⁶ This widely held view drove the work of the federal Children's Bureau, which sought to protect children's welfare not by ensuring the quality of the "day nurseries"⁷⁷ that a growing number of working mothers were turning to, but by inducing those mothers to return to their homes to care for their children with state-funded "mothers' pensions."⁷⁸

Some women who advocated for such pensions asserted that they "should be regarded as a form of salary or wages for the *work* of motherhood—work that must also be regarded as a form of service to the nation."⁷⁹ But in practice, mothers' pensions were largely inadequate to support a family and failed to elevate the value of the work of caring for children.⁸⁰

Moreover, the "rhetoric of the mothers' pension campaign implicitly offered an image of the ideal recipient: a 'worthy' woman who had been widowed or otherwise deprived of the support of a male breadwinner through no fault of her own."⁸¹ This idealized mother was not only virtuous and devoted to her children, but also white; though Black women were more likely to head families than white women,⁸² they were routinely denied these pensions (often on the grounds that, unlike white women, they were accustomed to working for wages).⁸³

By 1930, almost every state had some form of mothers' or widows' pensions,⁸⁴ which in 1935 were largely incorporated into a new federal program, Aid to Dependent Children (later called Aid to Families with Dependent Children, or AFDC).⁸⁵ As the rest of this history will show, the racial and gender stereotypes that shaped its inception

continued to play a role in the AFDC program and its relationship to child care over time.

1930s-1940s: Child Care as a Response to National Crises

The unique crisis of the Great Depression—closely followed by the Second World War—led to the first federal investments in child care.⁸⁶ In the 1930s, Works Progress Administration (WPA) funds were dedicated to "emergency nursery schools," with the primary purpose of providing government-paid jobs for thousands of unemployed teachers, nurses, cooks, and others.⁸⁷ Many of the WPA centers closed as private sector employment rose. However, demand for child care surged during World War II as women were needed to work in factories to replace the men heading to war. Congress responded by directing funding from the 1940 Lanham Act to repurpose remaining WPA centers and fund new facilities for children of working mothers in war production areas.⁸⁸

From about 1942 to 1946, federal and state funds supported 3,102 centers serving approximately 600,000 children. For a modest daily fee, care was available to all mothers working in the defense and defense-related industries, regardless of income (although estimates suggest that services ultimately met only a small share of the need).⁸⁹ This initiative offered a promising model for making child care broadly available to families at all income levels and integrating child care into the country's public infrastructure. But the experiment was short-lived: Congress viewed these centers as a wartime emergency measure, and withdrew funding shortly after hostilities ended in keeping with the still-prevailing view that "[t]he first responsibility of women with young children, in war as in peace, is to give suitable care in their own homes to their own children."⁹⁰ Most centers soon closed.⁹¹

1950s-1970s: Toward Universal Child Care—and Back Again

As Eleanor Roosevelt observed, "the closing of [Lanham Act] child care centers throughout the country certainly is bringing to light the fact that

these centers were a real need. . . . a need which was constantly with us, but one that we had neglected to face in the past.”⁹² It took decades for Congress to fully face that need, but as women’s entry into the labor force accelerated, it became hard to ignore. Between 1947 and 1970, the labor force participation rate for women with children under 18 more than doubled, rising from 19 percent to 42 percent; for women with children under 6, it rose from just 12 percent in 1947 to 32 percent in 1970.⁹³

In the 1960s, amendments to the AFDC program marked a subtle shift: rather than aiming to ensure that low-income mothers could stay home with their children and avoid using child care, the government began to look to child care as a means to ensure that low-income women could go to work instead of receiving welfare.⁹⁴ The addition of work requirements for mothers (including, in some cases, mothers of young children) conditioned on the availability of child care was precipitated (probably not coincidentally) by the removal of racially discriminatory barriers to assistance, which had produced a marked increase in AFDC recipients who were women of color⁹⁵—a group that had always been expected to work.

By the late 1960s, the continuing rise of maternal employment was accompanied by broader awareness—among both the public and Members of Congress—of the importance of fostering healthy development in children’s earliest years, thanks to new research and the new Head Start program (see *sidebar*).⁹⁶ In 1969 and 1970, Congress held its first hearings on measures to support child care services that were not linked to welfare.⁹⁷ And in 1971, the U.S. nearly achieved a universal child care system: Congress passed the Comprehensive Child Development Act, which would have authorized substantial funding for cities to set up comprehensive child care centers that would be open to all on a sliding fee scale and provide nutrition and medical services as well as high-quality care for young children.⁹⁸ While the legislation prioritized services for children from

disadvantaged families by offering free care for those with the lowest incomes and targeting services to enhance the development of children growing up in poverty, its underlying premise “was that child care was a right for all children, regardless of family income.”⁹⁹ A coalition spanning feminists, civil rights activists, labor leaders, early childhood educators, and others supported the bill, citing not only its positive impact on child development but also its potential for combating racism by promoting integration at an early age.¹⁰⁰

The Head Start Program. The War on Poverty in the 1960s spurred a new government focus on care and education for young children in poor families, in response to new evidence that enhancing children’s early development could promote their long-term success. Head Start was created in 1965 as a comprehensive preschool program designed to help low-income children prepare to enter school, providing not only early education but also health, nutrition, and other services for children and their families. Particularly in its early years, however, Head Start provided only limited support for working parents; most programs were only part day and in fact expected parents to be available to participate in the program, which was viewed as distinct from the custodial, work-supporting notion of child care that prevailed at the time.¹⁰¹

In keeping with its mission, Head Start programs have been able to achieve relatively high quality standards—and teacher pay, while still low, is notably higher than pay for other early childhood educators.¹⁰² The majority of Head Start participants are families of color,¹⁰³ and recent regulations have improved credentials for teachers and expanded the availability of full-day programs that better meet the needs of low-income working families. However, funding for the program remains woefully inadequate to fully develop the workforce and meet demand; as noted above, Head Start serves only about half of eligible preschool-age children and Early Head Start reaches only a small fraction of children under 3.

This national child care system never came to be, however, in large part due to anti-feminist backlash and conservatives' desire to maintain traditional, gendered family roles. President Nixon vetoed the Comprehensive Child Development Act, warning that the child care system envisioned by the bill would "commit the vast moral authority to the side of communal approaches to child rearing over against [sic] the family-centered approach."¹⁰⁴ Cold War rhetoric about the need to preserve the traditional American family likely veiled a racial subtext as well, as school integration efforts at the time stoked anxiety around racially integrated child care.¹⁰⁵

New child care bills were introduced in subsequent years, but in 1975 and 1976, a conservative, anti-feminist smear campaign proved to be remarkably effective in derailing further progress. Organizers flooded congressional offices with thousands of letters and an unsigned flyer titled "Raising Children—Government's or Parents' Rights?"¹⁰⁶ The flyer "made false and unhinged claims—that it would be illegal for parents to make their children go to church or take out the trash, that children would have the right to sue their parents and organize labor unions."¹⁰⁷ Most members of Congress received thousands of letters opposing child care legislation—many of them repeating the outrageous claims of the anti-child care flyer.¹⁰⁸

Following the demise of more comprehensive bills, congressional attention to child care policy produced a much narrower, patchwork system of limited subsidies and tax benefits.¹⁰⁹ These measures focused mainly on promoting child care as a means to support parents' work, and could do little to improve the quality of the care itself or the lives of the women who provided it.¹¹⁰

1980s-1990s: Child Care and Welfare Reform

Mothers continued to go to work in the 1980s: by 1986, 63 percent of women with children under 18 worked outside the home, including more than half

(54 percent) of women with children under age 6.¹¹¹ During this decade, the "increasing number of divorces, female-headed households, and middle-class wage-earning white women [again]...ignited the child care movement,"¹¹² and in 1990, Congress established the Child Care and Development Block Grant (CCDBG).¹¹³ The CCDBG program primarily provided direct assistance to low-income families to help them afford child care, but also sought to improve the supply and quality of child care for all families.¹¹⁴ As enacted, the CCDBG law included the first federal funds specifically allocated to improve the quality of child care (5 percent of total program funds). This amount could be used to improve compensation for child care providers¹¹⁵—although it was considerably less than the bill's supporters had called for.¹¹⁶

Over roughly the same period, child care became a key component of renewed (and racially charged) efforts to link receipt of public assistance to work. In 1990, Congress created the "At-Risk Child Care Program" for families who needed child care to work and "would be at risk of becoming eligible for [AFDC] . . . if care were not provided."¹¹⁷ Just two years earlier, in 1988, the Family Support Act had established a new entitlement to child care subsidies for all eligible families who were receiving or transitioning off of AFDC (i.e., welfare)—viewed as a necessary complement to the new requirement that most welfare recipients, including most mothers with preschool children, work or participate in education or training activities.¹¹⁸ But these policies proved insufficient to address the growing perception among the public and Members of Congress that the women who received AFDC were undeserving "welfare queens," i.e., "the lazy mother on public assistance who deliberately breeds children at the expense of taxpayers to fatten her monthly check."¹¹⁹

The final rejection of the notion that needy mothers should be provided support to care for their children at home thus coincided with the belief that most mothers who were receiving this

assistance were those who had always been considered undeserving of such support: unmarried women of color. In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) signed by President Clinton eliminated AFDC and created the Temporary Assistance for Needy Families (TANF) program, which instituted work requirements for virtually all beneficiaries as well as time limits on assistance. While the law increased federal child care funding under CCDBG, it did little to ensure that care would be high quality: it required CCDBG providers to meet only minimal health and safety standards and eliminated prior requirements that providers receiving subsidies be paid at market rates in favor of vague recommendations around provider payments.¹²⁰ It also eliminated guaranteed child care subsidies for welfare recipients and those transitioning off—even as it required that mothers go to work.¹²¹ The 1996 law thus assured that there would be greater demand for child care without ensuring funds would be available to meet that need. And it made little effort to ensure that the women providing child care would not require public assistance themselves.

Today: An Inadequate Federal Response to Child Care's Systemic Flaws

In 2014, Congress reauthorized CCDBG for the first time since 1996.¹²² The updated law includes important requirements to protect the health and safety of children in child care and contains several provisions designed to improve access to care for low-wage working families. It also nods to the need for better professional development and more adequate payments for providers by increasing the funds set aside to improve quality

generally (and to improve quality specifically for infants and toddlers).¹²³ It does not, however, change CCDBG policy that merely recommends—without requiring—that states pay CCDBG providers at the 75th percentile of market rates for child care.¹²⁴ And neither Congress nor the states have provided sufficient funding to cover the additional costs to states of meeting the law's new requirements, much less enough to meet the law's broader goals. It is estimated that states need \$1.4 billion above current funding levels to implement CCDBG in 2017 without decreasing the number of children served¹²⁵—funds that have not been forthcoming.¹²⁶ Indeed, the number of children receiving CCDBG-funded child care has been declining since 1998,¹²⁷ and as of February 2017 just two states set their payment rates for child care providers serving children receiving subsidies at the federally recommended level (compared to 22 states in 2001).¹²⁸

Moreover, the law's new training and inspection requirements and criminal background check requirements may have the unintended consequence of making care less available, as these requirements place increased burdens on child care providers, which could make them less likely to serve families receiving CCDBG assistance. Informal child care providers, in particular, may struggle to comply with the law's requirements, which did not previously apply to them, and states may be reluctant to devote their limited resources toward helping these providers comply—even though these providers are an essential option for many families, including families working nonstandard or variable hours, families who have children with special needs, and other families who need flexible and familiar caregivers.¹²⁹

III. WHERE DO WE GO FROM HERE?

A robust body of evidence demonstrates that investing in child care benefits children, parents, and the economy at large. Study after study has shown that children—especially children from low-income families—who participate in high-quality early care and education programs are more likely to perform well in school, complete their education, be in good health, and achieve financial security than their peers who did not participate in such programs.¹³⁰ As a result, the economic benefits of high-quality early care and education programs dramatically outweigh the costs of providing them: estimates of the return on investment range generally range from roughly three to more than seven dollars for every dollar spent on such programs,¹³¹ with some studies showing even higher returns.¹³²

Improving pay for those who provide child care is essential both to attract and retain a workforce that can provide the quality care that produces optimal benefits for children and to achieve a fair and sustainable career path for the women (and men) who do this essential work. And making the investments needed to improve the quality, accessibility, and affordability of child care in the United States not only can improve economic security for millions of families, but also can allow women to increase their labor force participation, spurring new economic activity that has benefits for everyone.¹³³

The story of child care in the United States today is one of thwarted potential—for working parents, for child care providers, for children, and for our economy. But the story does not need to end here. Valuing women's work and making high-quality

child care more accessible and affordable would help women who seek to enter and advance in the labor force, make child care a viable career path with compensation in line with its value to society, and help prepare the next generation to succeed—while advancing equity for women of color and their families rather than perpetuating disparities along racial lines.

Key strategies to advance these objectives include¹³⁴:

- Supporting child care workers who seek to organize, unionize, and/or otherwise take collective action and make their voices heard in the policy-making process (*see sidebar*).

Organizing Home-Based Child Care Providers

A number of states—including Connecticut, Illinois, Maryland, Massachusetts, New Jersey, New Mexico, New York, Ohio, Oregon, Rhode Island, and Washington—have authorized collective bargaining among home-based child care providers.¹³⁵ The unions chosen by providers to represent them have negotiated contracts with the states, which have typically included provisions requiring states to increase their provider payment rates and improve payment processes for the child care assistance program, expand professional development opportunities, and take other steps that benefit providers and can help them improve the quality of care they offer. The unions also offer training, help in navigating the child care assistance program, and additional resources to their members.

- Increasing federal and state child care investments to make child care assistance available to more low-income families and their children, raise payment rates for child care programs and compensation for child care workers, and support activities to strengthen the supply and quality of child care.
- Improving pay, quality, and stability for people working in the child care field—and in all low-wage jobs—by raising the minimum wage, establishing fair work scheduling standards, and guaranteeing paid family and medical leave and paid sick days.
- Taking additional steps to improve child care providers' compensation, including higher payments for care that involves additional costs, burdens, or skills for providers or for types of care that are in especially short supply, including care during nontraditional hours, care for children with special needs, and higher-quality care.
- Improving professional development opportunities for child care providers and ensuring that all women, including women of color and immigrant women,¹³⁶ have access to such opportunities by, for example:
 - Making courses available online and at times that fit around their work schedules and responsibilities to their own families;
 - Offering classes in multiple languages;
 - Providing mentors to help develop career paths;
 - Providing incentives and scholarships (see sidebar);
 - Allowing the current workforce adequate time to obtain credentials; and
 - Providing additional support and funding to child care providers in low-income areas to assist them in meeting higher standards.

Incentivizing Professional Development

Under the T.E.A.C.H. (Teacher Education And Compensation Helps) Early Childhood[®] model, child care teachers receive scholarships to help them achieve additional education and increased compensation once they have completed their educational requirement, in exchange for a commitment to stay with their child care program or in the field for a certain period of time. The model was created by the Child Care Services Association in North Carolina and has been adopted in the District of Columbia and 22 states. In these states, T.E.A.C.H.[®] is operated by non-profit organizations and is primarily supported by public funding, including CCDBG quality funding as well as state and local funding, along with some private funding. In addition, some of these states—Delaware, Florida, Iowa, New Mexico, and North Carolina—also offer WAGE\$[®] programs, which provide salary supplements to child care providers who have already earned higher credentials.¹³⁷

- Expanding tax assistance to help families meet the high costs of child care through refundable credits, which ensure that families up and down the income spectrum receive the benefit.
- Increasing investments in high-quality early education programs, including federal Head Start and Early Head Start programs and state prekindergarten programs, to complement child care and ensure that more children have the early education they need to enter kindergarten ready to succeed.
- Supporting family, friend, and neighbor (FFN) care and the people who provide it by, for example:¹³⁸

- Permitting families who receive child care assistance to use that assistance to pay for FFN care; some states currently place strict limitations on the use of assistance for FFN care.
- Enabling FFN providers to receive benefits and supports through other federal programs, including programs such as the Child and Adult Care Food Program, for which states determine whether FFN providers can participate.
- Investing in initiatives that provide education and training, mentoring, networking opportunities, home visiting, leadership development, financial assistance, assistance accessing other resources, and other supports to FFN providers to help them improve the quality of care they offer as well as their own economic security.
- Connecting FFN providers to resources and services that help them in caring for children, including by using technology and social media to communicate with FFN providers and offer them information and guidance on promoting children's school readiness.
- Ensuring that caregiving responsibilities are respected—and that women who take time out of the paid workforce to provide care are not penalized—by, for example:
 - Protecting working people from employment discrimination, including through policies to ensure that pregnant women and caregivers are not forced to choose between meeting their responsibilities at work and caring for their families;
 - Ensuring that part-time workers—who are disproportionately women, and often work part time to accommodate caregiving responsibilities¹³⁹— receive pay, benefits, and promotion opportunities that are equal to those offered to full-time employees in comparable positions; and
 - Addressing the economic costs to women that result from time spent out of the workforce caring for children or other family members, through policies such as Social Security caregiver credits.

* * *

For families with children, child care—whether provided inside or outside the home, paid or unpaid, by a family member or a professional provider—is the work that makes all other work possible. But for far too long, both our society and our public policies have vastly undervalued this “women’s work,” and women—along with the families they support—have been especially harmed as a result. Moments in our history also show, however, that progress is possible. By facing the entrenched biases of the past and engaging the full range of people and institutions with a critical stake in improving child care policy, we can begin to create a system that values women’s work, recognizes the worth of all working people and families, and allows children to thrive regardless of their background or income.

A Bill That Would Make a Difference: The Child Care for Working Families Act

Introduced in September 2017 by Sen. Patty Murray (D-WA) and Rep. Bobby Scott (D-VA), the Child Care for Working Families Act (S. 1806/H.R. 3773) would dramatically expand access to affordable, high-quality child care for working families and raise wages for child care providers. An analysis by the Center for American Progress finds that 1.6 million parents—primarily mothers—would join the labor force as a result of the legislation's new child care subsidies and reductions in child care costs.¹⁴⁰ The child care and early education workforce would add an estimated 700,000 new jobs as a result of the bill, while pay for teachers and caregivers in both new and existing roles in this sector would increase by an estimated 26 percent.¹⁴¹

The Child Care for Working Families Act would amend the Child Care and Development Block Grant and provide sufficient funding so that no family earning less than 150 percent of the median income in their state would pay more than 7 percent of their income on child care. The bill would also provide funding to:

- **Increase professional development and compensation for the child care workforce.** The bill would support education and training opportunities for child care providers. It would also ensure that all child care workers are paid a living wage and that early childhood educators are paid the same as elementary school teachers with similar credentials and experience, and would set tiered payment rates that reflect the cost of providing care at progressively higher levels of quality.
- **Increase the supply of child care.** The bill would address the shortage of high-quality, inclusive care, particularly for children in underserved areas, children with disabilities, and infants and toddlers with disabilities.
- **Improve the quality of child care.** The bill would require states to establish systems to measure the quality of child care providers and would provide substantial resources to states to help providers increase their quality.
- **Support family, friend, and neighbor care providers.** The bill recognizes the important role these providers play in meeting the needs of parents working non-traditional hours and would allow states to use some of their funding for activities focused on improving the quality of care provided by family, friends, and neighbors.
- **Expand the availability and affordability of infant care.** Given that infant care is particularly difficult for families to find and afford, the federal government would cover a higher proportion of the cost for child care assistance for infants and toddlers—90 percent, with states contributing the remaining 10 percent—than for other child care assistance spending under the legislation.
- **Expand equitable access to high-quality preschool.** The bill would enable states to support high-quality preschool programs for 3- and 4-year-olds.
- **Increase funding for full-school-day, full-school-year Head Start.** Grants would be provided to help Head Start programs extend their services, which would make these programs more valuable as child care for working parents.¹⁴²

- 1 See generally, e.g., Paula England et al., *Wages of Virtue: The Relative Pay of Care Work*, 49 Soc. PROBS. 455, 455 (2002) [hereinafter England et al., *Wages of Virtue*].
- 2 NWLC calculations based on BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, LABOR FORCE STATISTICS FROM THE CURRENT POPULATION SURVEY, TABLE 3. EMPLOYMENT STATUS OF THE CIVILIAN NONINSTITUTIONAL POPULATION BY AGE, SEX, AND RACE (2016), available at <https://www.bls.gov/cps/cpsaat03.htm>.
- 3 See SARAH JANE GLYNN, CTR. FOR AM. PROGRESS, BREADWINNING MOTHERS ARE INCREASINGLY THE U.S. NORM (2016), <https://www.americanprogress.org/issues/women/reports/2016/12/19/295203/breadwinning-mothers-areincreasingly-the-u-s-norm/>.
- 4 See BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, AMERICAN TIME USE SURVEY, TABLE A-1. TIME SPENT IN DETAILED PRIMARY ACTIVITIES AND PERCENT OF THE CIVILIAN POPULATION ENGAGING IN EACH ACTIVITY, AVERAGES PER DAY BY SEX, 2016 ANNUAL AVERAGES (2017), available at <https://www.bls.gov/news.release/atus.t01.htm>.
- 5 CHILD CARE AWARE OF AMERICA, PARENTS AND THE HIGH COST OF CHILD CARE (2016), http://usa.childcareaware.org/wp-content/uploads/2017/01/CCA_High_Cost_Report_01-17-17_final.pdf.
- 6 See NAT'L WOMEN'S LAW CTR., THE WAGE GAP: THE WHO, HOW, WHY, AND WHAT TO DO (2017), <https://nwlc.org/wp-content/uploads/2016/09/The-Wage-Gap-The-Who-How-Why-and-What-to-Do-2017-2.pdf> [hereinafter NWLC, THE WAGE GAP].
- 7 *Id.*
- 8 See JASMINE TUCKER, NAT'L WOMEN'S LAW CTR., EQUAL PAY FOR MOTHERS IS CRITICAL FOR FAMILIES (2017), <https://nwlc.org/wp-content/uploads/2017/05/Motherhood-Wage-Gap.pdf>.
- 9 See, e.g., GLYNN, *supra* note 3.
- 10 NWLC calculations based on U.S. CENSUS BUREAU, 2015 AMERICAN COMMUNITY SURVEY (using STEVEN RUGGLES, ET AL., UNIV. OF MINN., INTEGRATED PUBLIC USE MICRODATA SERIES (IPUMS): VERSION 6.0 (2015), available at <https://www.ipums.org/>) [hereinafter 2015 ACS USING IPUMS]. Figures are median annual earnings for full time, year round workers in 2015. Mothers have at least one related child under 18 at home. Black mothers are those who self-identified as Black or African American.
- 11 NINA CHIEN, OFFICE OF THE ASSISTANT SEC'Y FOR PLANNING AND EVALUATION, U.S. DEP'T OF HEALTH AND HUMAN SERVS., FACTSHEET: ESTIMATES OF CHILD CARE ELIGIBILITY AND RECEIPT FOR FISCAL YEAR 2013 (2017), <https://aspe.hhs.gov/system/files/pdf/258491/ChildCareSubsidyEligibility.pdf>. "Child care assistance" here refers to direct subsidies that help parents purchase child care services and does not include subsidies delivered through the tax code. Two federal tax provisions—the Child and Dependent Care Tax Credit (CDCTC) and the Dependent Care Flexible Spending Account (FSA)—can offset child care costs for some families, but they provide little or no help to the low-income families who need it the most. See generally AMELIA BELL & AMY MATSUI, NAT'L WOMEN'S LAW CTR., TAX PROVISIONS FAIL TO FILL THE GAPS IN CHILD CARE ASSISTANCE FOR LOW-INCOME FAMILIES (2015), https://nwlc.org/wp-content/uploads/2015/12/cc_rp_tax_provisions_cc_assistance.pdf.
- 12 NWLC calculations based on ADMIN. FOR CHILDREN AND FAMILIES, U.S DEP'T OF HEALTH AND HUMAN SERVICES, JUSTIFICATION OF ESTIMATES FOR APPROPRIATIONS COMMITTEES, FISCAL YEAR 2018, https://www.acf.hhs.gov/sites/default/files/olab/acf_master_cj_508_compmay_21_2017.pdf, and data on the number of children in poverty found in CENSUS BUREAU, U.S. DEP'T OF COMMERCE, CURRENT POPULATION SURVEY, 2016, POV-34. SINGLE YEAR OF AGE--POVERTY STATUS, <http://www.census.gov/data/tables/time-series/demo/income-poverty/cps-pov/pov-34.html>.
- 13 NAT'L INST. FOR EARLY EDUC. RES., THE STATE OF PRESCHOOL 2016 (2016), <http://nieer.org/state-preschool-yearbooks/yearbook2016>.
- 14 *Women in the Labor Force*, U.S. DEP'T OF LABOR, https://www.dol.gov/wb/stats/NEWSTATS/facts/women_lf.htm#three (last visited Nov. 21, 2017).
- 15 SARAH JANE GLYNN & DANIELLE CORLEY, CTR. FOR AM. PROGRESS, THE COST OF WORK-FAMILY POLICY INACTION (2016), <https://www.americanprogress.org/issues/women/reports/2016/09/22/143877/the-cost-of-inaction/>.
- 16 MICHAEL MADOWITZ ET AL., CTR. FOR AM. PROGRESS, CALCULATING THE HIDDEN COST OF INTERRUPTING A CAREER FOR CHILD CARE (2016), <https://www.americanprogress.org/issues/early-childhood/reports/2016/06/21/139731/calculating-the-hidden-cost-of-interrupting-a-career-for-child-care/>.
- 17 *Id.* See also, e.g., JENNIFER ERIN BROWN ET AL., NAT'L INST. ON RETIREMENT SECURITY, SHORTCHANGED IN RETIREMENT: CONTINUING CHALLENGES TO WOMEN'S FINANCIAL FUTURE (2016), <http://laborcenter.berkeley.edu/pdf/2016/NIRS-Women-In-Retirement.pdf>.
- 18 NWLC calculations based on 2015 ACS USING IPUMS, *supra* note 10. Note that a number of different data sources may be used to define the scope and demographics of the child care workforce, and estimates vary based on the source chosen. In this report, we primarily use data from the 2015 American Community Survey (ACS) because the ACS encompasses a large, nationally representative sample of providers in both formal and informal settings, and allows for comparison of key worker characteristics by nativity. See generally, e.g., MARCY WHITEBOOK ET AL., CTR. FOR THE STUDY OF CHILD CARE EMP'T, EARLY CHILDHOOD WORKFORCE INDEX 2016 5-6 (2016), <http://csce.berkeley.edu/files/2016/Early-Childhood-Workforce-Index-2016.pdf> (describing data challenges); MAKI PARK ET AL., MIGRATION POLICY INST., IMMIGRANT AND REFUGEE WORKERS IN THE EARLY CHILDHOOD FIELD: TAKING A CLOSER LOOK 15 (2015), <https://www.migrationpolicy.org/research/immigrant-and-refugee-workers-early-childhood-field-taking-closer-look> (describing utility of ACS in examining early childhood education and care workforce).
- 19 Bridget Ansel & Matt Markezich, *Falling behind the rest of the world: Childcare in the United States*, WASH. CTR. FOR EQUITABLE GROWTH: EQUITABLEGROWTH (Jan. 25, 2017), <http://equitablegrowth.org/equitableblog/falling-behind-the-rest-of-the-world-childcare-in-the-united-states/>.
- 20 AM. INST. FOR RES., CONNECTING ALL CHILDREN TO HIGH-QUALITY EARLY CARE AND EDUCATION: PROMISING STRATEGIES FROM THE INTERNATIONAL COMMUNITY 13 (2016), <http://www.air.org/resource/connecting-all-children-high-quality-early-care-and-education-promising-strategies-0>.
- 21 NWLC calculations based on 2015 ACS USING IPUMS, *supra* note 10.
- 22 NWLC calculations based on 2015 ACS USING IPUMS, *supra* note 10. Hourly wages are derived by dividing median annual earnings of full time, year round workers by 2,080 hours, which assumes a 40-hour work week for 52 weeks.
- 23 NWLC calculations based on 2015 ACS USING IPUMS, *supra* note 10, and U.S. Census Bureau, Poverty Thresholds for 2016, <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html> (last visited Sept. 28, 2017). The poverty line in 2016 for a mother and two children is \$19,337. Full time work is defined here as 40 hours per week, 52 weeks per year (yielding annual income of \$2,009.60 at an hourly wage of \$9.62).
- 24 MARCY WHITEBOOK ET AL., CTR. FOR THE STUDY OF CHILD CARE EMP'T, WORTHY WORK, STILL UNLIVABLE WAGES 16 (2014), <http://csce.berkeley.edu/files/2014/ReportFINAL.pdf> (citing Occupational Employment Statistics Survey data from the Bureau of Labor Statistics, U.S. Dep't of

- Labor). Census Bureau data also indicates that wages for child care workers have stagnated between 2003 and 2015, the years for which data is currently available. NWLC calculations based on ACS 1-year estimates (2003-2015) using IPUMS, *supra* note 10.
- 25 NWLC calculations based on ACS USING IPUMS, *supra* note 10. See also ELISE GOULD, ECON. POLICY INST., CHILD CARE WORKERS AREN'T PAID ENOUGH TO MAKE ENDS MEET 5 (2015), <http://www.epi.org/files/2015/child-care-workers-final.pdf> (estimating that child care workers with a bachelor's or master's degree have typical wages that are 45 to 50 percent lower than median wages for all other similarly educated workers).
- 26 NWLC calculations from 2015 ACS USING IPUMS, *supra* note 10. See also WHITEBOOK ET AL., *supra* note 24, at 19-20.
- 27 NWLC calculations from 2015 ACS USING IPUMS, *supra* note 10.
- 28 *Id.*
- 29 GOULD, *supra* note 25, at 11.
- 30 WHITEBOOK ET AL., *supra* note 24, at 44, 92.
- 31 GOULD, *supra* note 25, at 6.
- 32 WHITEBOOK ET AL., *supra* note 24, at 58. Public support programs analyzed are federal EITC; Medicaid and CHIP; SNAP; and TANF. *Id.* at 56. See *id.* at 56-58 for description of methodology and limitations.
- 33 *Id.* at 63-65. Close to half (46 percent) of child care worker families with married parents also used these programs (54 percent of those with children under 5, 43 percent of those with children 5-18). *Id.*
- 34 *Id.* at 61-62.
- 35 The American Community Survey (ACS) data employed here does encompass providers in both formal and informal settings. However, because ACS is a government survey, immigrants who are undocumented (and more likely to provide informal care and care within private homes) are less likely to participate. In addition, providers of informal care may not indicate in survey responses that their occupation is child care. See PARK ET AL., *supra* note 18, at 15.
- 36 See generally, e.g., NAT'L WOMEN'S LAW CTR., STRATEGIES FOR SUPPORTING FAMILY, FRIEND, AND NEIGHBOR CARE PROVIDERS (2016), https://nwlc.org/wp-content/uploads/2016/01/nwlc_BriefReport.pdf; TONI PORTER ET AL., MATHEMATICA POLICY RESEARCH, INC., A REVIEW OF THE LITERATURE ON HOME-BASED CHILD CARE: IMPLICATIONS FOR FUTURE DIRECTIONS (2010), https://www.acf.hhs.gov/sites/default/files/opre/lit_review.pdf.
- 37 HEIDI SHIERHOLZ, ECON. POLICY INST., LOW WAGES AND SCANT BENEFITS LEAVE MANY IN-HOME WORKERS UNABLE TO MAKE ENDS MEET 19 (2013), <http://www.epi.org/files/2013/bp369-in-home-workers-shierholz.pdf>. See also, e.g., PORTER ET AL., *supra* note 36, at 23 (citing multiple studies observing low incomes and high risk of poverty among family, friend, and neighbor care providers).
- 38 SHIERHOLZ, *supra* note 37, at 5.
- 39 See, e.g., LINDA BURNHAM & NIK THEODORE, HOME ECONOMICS: THE INVISIBLE AND UNREGULATED WORLD OF DOMESTIC WORK 12 (2012), <http://gender.stanford.edu/sites/default/files/HomeEconomicsEnglish.pdf>.
- 40 *Id.* at 21.
- 41 GLOBAL WOMAN: NANNIES, MAIDS, AND SEX WORKERS IN THE NEW ECONOMY 14 (Barbara Ehrenreich & Arlie Russell Hochschild, eds., 2002).
- 42 BURNHAM & THEODORE, *supra* note 39, at 18. The 2011-12 National Domestic Workers Survey found that the median wage for all live-in nannies was \$6.76 per hour.
- 43 See generally *id.* at 19-34.
- 44 *Id.* at 34.
- 45 See, e.g., SANJAY PINTO, MS. FOUND. FOR WOMEN, RAISING OUR NATION: FORGING A MORE ROBUST AND EQUITABLE CHILDCARE SYSTEM IN AMERICA 6 (2016), <https://forwomen.org/wp-content/uploads/2016/09/Raising-our-Nation.pdf>; Evelyn Nakano Glenn, *From Servitude to Service Work: Historical Continuities in the Racial Division of Paid Reproductive Labor* p. 4, 18 SIGNS 1, 4 (1992); Verna L. Williams, *Reform or Retrenchment: Single Sex Education and the Construction of Race and Gender*, 2004 WIS. L. REV. 15, 53-54 (2004); Nancy Folbre & Julie A. Nelson, *For Love or Money—Or Both?*, J. OF ECON. PERSPECTIVES, Autumn 2000, at 123, 131-33.
- 46 See generally, e.g., Nakano Glenn, *supra* note 45; Mignon Duffy, *Doing the Dirty Work: Gender, Race, and Reproductive Labor in Historical Perspective*, 21 GENDER & SOC'Y 313 (2007); Claudia Goldin, *Female Labor Force Participation: The Origin of Black and White Differences, 1870 and 1880*, 37 J. ECON. HIST. 87 (1977).
- 47 Goldin, *supra* note 46, at 87.
- 48 *Id.* at 101.
- 49 *Id.*
- 50 See, e.g., *id.* at 87. See also SONYA MICHEL, CHILDREN'S INTERESTS/MOTHER'S RIGHTS: THE SHAPING OF AMERICAS' CHILD CARE POLICY 38 (1999).
- 51 Williams, *supra* note 45, at 46 (quoting JACQUELINE JONES, LABOR OF LOVE, LABOR OF SORROW: BLACK WOMEN, WORK, AND THE FAMILY FROM SLAVERY TO THE PRESENT 15-16 (1985)) (alteration in original).
- 52 Williams, *supra* note 45, at 51.
- 53 *Id.* at 48.
- 54 *Id.* at 52 (quoting June O. Patton, *Moonlight and Magnolias in Southern Education: The Black Mammy Memorial Institute*, 65 J. NEGRO HIST. 149, 149-50 (1980)). See also MICHEL, *supra* note 50, at 37-38 ("According to the prevailing stereotype, the black 'mammy' loved her white charges and cared for them cheerfully, even taking them to her breast. . . . White employers who depended on black domestic servants tended to ignore their dilemma as mothers, preferring to perpetuate the mammy stereotype.").
- 55 Williams, *supra* note 45, at 52 (quoting BEVERLY GUY-SHEFTALL, DAUGHTERS OF SORROW: ATTITUDES TOWARD BLACK WOMEN, 1880-1920 94 (1990) (alteration in original)).
- 56 Williams, *supra* note 45, at 66-67, 78 (internal citations omitted). The dominant gender ideology during the industrial revolution (and onward), commonly referred to as the "cult of true womanhood," outlined piety, purity, domesticity, and submissiveness as essential to white domestic womanhood/motherhood. See Barbara Welter, *The Cult of True Womanhood: 1820-1860*, 18 AM. Q. 151, 151-74 (1966). But it inherently excluded black women because many were unable to work in their own homes (as "angels in the house") and had to take on paid labor. Many women of color later took issue with second wave feminism and its embrace of Betty Friedan's *Feminine Mystique*

- and the “problem that had no name,” because they saw working in the home (and taking care of their *own* children) as a luxury reserved for white women. *See, e.g.*, Sojourner Truth, Ain’t I a Woman? (Dec. 1851) (transcript available in Fordham University Modern History Sourcebook, <https://sourcebooks.fordham.edu/mod/sojtruth-woman.asp>); DOROTHY ROBERTS, KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF LIBERTY 10 (1997).
- 57 *See generally, e.g.*, Colwick M. Wilson & Leon C. Wilson, *Domestic Work in The United States of America: Past Perspectives and Future Directions*, AFR. AM. RES. PERSPECTIVES, Winter 2000 (available at <http://www.rcgd.isr.umich.edu/prba/perspectives/winter2000/cwilson.pdf>); Nakano Glenn, *supra* note 45.
- 58 Nakano Glenn, *supra* note 45, at 7.
- 59 *Id.* *See also* PREMILLA NADASEN & TIFFANY WILLIAMS, BARNARD CTR. FOR RESEARCH ON WOMEN, VALUING DOMESTIC WORK 3; Duffy, *supra* note 46, at 320 (“Throughout the last half of the nineteenth century, ‘nearly everybody’ in middle- and upper-class families employed at least one domestic servant, and some wealthier families employed an entire staff to carry out the daily functions of their households. Ninety percent of these servants were women, and until 1870, at least 50 percent of employed women in the United States were servants.”).
- 60 Nakano Glenn, *supra* note 45, at 10-14.
- 61 *See id.* at 14, 32.
- 62 Williams, *supra* note 45, at 55 (quoting Peggie R. Smith, *Regulating Paid Household Work: Class, Gender, Race and Agendas of Reform*, 48 AM. U.L. REV. 851 (1999)).
- 63 *See, e.g.*, ANDREA FLYNN, ROOSEVELT INST. & MS. FOUN. FOR WOMEN, JUSTICE DOESN’T TRICKLE DOWN: HOW RACIALIZED AND GENDERED RULES ARE HOLDING WOMEN BACK 36 (2017); NADASEN & WILLIAMS, *supra* note 59, at 4-5; BURNHAM & THEODORE, *supra* note 39, at 8-9.
- 64 BURNHAM & THEODORE, *supra* note 39, at 9. *See also* Nakano Glenn, *supra* note 45; Duffy, *supra* note 46, at 315-316.
- 65 Duffy, *supra* note 46, at 316.
- 66 *See, e.g.*, Francine D. Blau & Lawrence M. Kahn, *The Gender Wage Gap: Extent, Trends, and Explanations* 27 (Forschungsinstitut zur Zukunft der Arbeit, Discussion Paper No. 9656, 2016); NWLC, THE WAGE GAP, *supra* note 6; ARIANE HEGEWISCH & HEIDI HARTMANN, INST. FOR WOMEN’S POLICY RESEARCH, OCCUPATIONAL SEGREGATION AND THE GENDER WAGE GAP: A JOB HALF DONE (2014), <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/C419.pdf>; ASHA DUMONTHIER ET AL., INST. FOR WOMEN’S POLICY RESEARCH, THE STATUS OF BLACK WOMEN IN THE UNITED STATES 28 (2017), https://www.domesticworkers.org/sites/default/files/SOBW_report2017_compressed.pdf. Occupational segregation is a driver, too, of the even larger wage gaps that women of color experience relative to white men, as white women tend to occupy higher-paying positions than women of color. But overall, occupational segregation by gender is much stronger than occupational segregation by race; women are more likely to work in the same jobs as other women, regardless of their race, than they are to work with men of their own race or ethnicity. HEGEWISCH & HARTMANN, *supra*, at 7-8; *see also, e.g.*, Paula England, *Emerging Theories of Care Work*, 31 ANN. REV. SOC. 381, 384 (2005) [hereinafter England, *Emerging Theories of Care Work*].
- 67 HEGEWISCH & HARTMANN, *supra* note 66, at 13.
- 68 NWLC calculations based on BUREAU OF LABOR STATISTICS, U.S. DEP’T OF LABOR, OCCUPATIONAL EMPLOYMENT STATISTICS, MAY 2016 NATIONAL OCCUPATIONAL EMPLOYMENT AND WAGE ESTIMATES, UNITED STATES (2016), https://www.bls.gov/oes/current/oes_nat.htm.
- 69 *See generally* Levanon et al., *Occupational Feminization and Pay: Assessing Causal Dynamics Using 1950-2000 U.S. Census Data*, 88(2) SOCIAL FORCES 865 (2009).
- 70 Paula England: *Why Female-Dominated Jobs Systematically Pay Less*, AM. ACAD. OF POLITICAL & SOC. SCI. (June 1, 2010), <http://www.aapss.org/news/paula-england-why-female-dominated-jobs-systematically-pay-less/>.
- 71 Claire Cain Miller, *As Women Take Over a Male-Dominated Field, the Pay Drops*, N.Y. TIMES (Mar. 12, 2016), <https://www.nytimes.com/2016/03/20/upshot/as-women-take-over-a-male-dominated-field-the-pay-drops.html?mcubz=0>.
- 72 AM. ACAD. OF POLITICAL & SOC. SCI., *supra* note 70. *See also* England, *Emerging Theories of Care Work*, *supra* note 66, at 382-83.
- 73 England et al., *Wages of Virtue*, *supra* note 1, at 464-67. *See also* GOULD, *supra* note 25, at 2 (“After accounting for demographic differences between child care workers and other workers, child care workers have hourly wages 23.0 percent lower than those of similar workers in other occupations.”)
- 74 England et al., *Wages of Virtue*, *supra* note 1, at 457.
- 75 *Id.* *See also, e.g.*, England, *Emerging Theories of Care Work*, *supra* note 66.
- 76 MICHEL, *supra* note 50, at 78 (quoting PROCEEDINGS OF THE CONFERENCE ON CARE OF DEPENDENT CHILDREN, S. DOC. NO. 60-721, at 36 (1909)).
- 77 The “day nurseries” that began to proliferate in cities in the latter half of the 19th century were designed to “enable poor women with children to work and thus prevent them from becoming dependent on charity or public welfare or turning to prostitution,” and were typically funded primarily by philanthropic organizations and private donations. MICHEL, *supra* note 50, at 30-35. “Nursery schools,” by contrast, emerged in the early 20th century to promote healthy development for the children of middle- and upper-class families, who could pay the fees these programs charged. *See generally id.* at 113-17. A discussion of the history of private child care and early education institutions is beyond the scope of this report, but Michel’s book provides a comprehensive account, including exploration of the ways in which the institutions that evolved diverged along race and class lines. *See also* EMILY D. CAHAN, NAT’L CTR. FOR CHILDREN IN POVERTY, PAST CARING: A HISTORY OF U.S. PRESCHOOL CARE AND EDUCATION FOR THE POOR, 1820-1965 (1989), <https://www.researchconnections.org/childcare/resources/2088/pdf>.
- 78 *See generally* MICHEL, *supra* note 50, at 78-87.
- 79 *Id.* at 80.
- 80 *See id.* at 83-85. As Michel describes, mothers’ pensions were hardly comparable to the pensions received by men for war service, and instead “ended up creating the foundation for a welfare state that discriminated against women in two ways: by inscribing them within the state exclusively as mothers (as opposed to, say, workers or worker-mothers) and by apportioning them payments inferior to those received by men.” *Id.* at 80.
- 81 *Id.* at 81-82.
- 82 *Id.* at 82.

- 83 Sonya Michel, *The History of Child Care in the U.S.*, SOCIAL WELFARE HISTORY PROJECT (2011), <https://socialwelfare.library.vcu.edu/programs/child-care-the-american-history/> (last visited Nov. 29, 2017) [hereinafter Michel, *The History of Child Care in the U.S.*]. See also FRANCES FOX PIVEN & RICHARD A. CLOWARD, REGULATING THE POOR: THE FUNCTIONS OF PUBLIC WELFARE 133-41 (1993).
- 84 Michel, *The History of Child Care in the U.S.*, *supra* note 83.
- 85 See generally Michel, *The History of Child Care in the U.S.*, *supra* note 83; see also MICHEL, *supra* note 50, at 128.
- 86 See generally MICHEL, *supra* note 50, at 118-135.
- 87 Abby J. Cohen, *A Brief History of Federal Financing for Child Care in the United States*, 6 FIN. CHILD CARE 26, 28 (1996) [hereinafter Cohen, *A Brief History of Federal Financing for Child Care in the United States*].
- 88 *Id.* at 29. See also Defense Housing and Community Facilities and Services (Lanham) Act of 1940, Pub. L. No. 76-849, 54 Stat. 1125.
- 89 *Id.* at 29-30. See also MICHEL, *supra* note 50, at 141-42.
- 90 Cohen, *A Brief History of Federal Financing for Child Care in the United States*, *supra* note 87, at 29 (quoting policy statement issued by the War Manpower Commission in 1942).
- 91 *Id.* For more information on the history of the Lanham Act centers, see generally MICHEL, *supra* note 50, at 132-149; Rhaina Cohen, *Who Took Care of Rosie the Riveter's Kids?*, ATLANTIC (Nov. 18, 2015), <https://www.theatlantic.com/business/archive/2015/11/daycare-world-war-rosie-riveter/415650/>; Bryce Covert, *Here's What Happened the One Time When the U.S. Had Universal Childcare*, THINKPROGRESS (Sep. 30, 2014), <https://thinkprogress.org/heres-what-happened-the-one-time-when-the-u-s-had-universal-childcare-c965a3178112/#.xik3yc5xx>.
- 92 Eleanor Roosevelt, My Day, September 8, 1945 Speech (Sep. 8, 1945) (transcript available in The Eleanor Roosevelt Papers Digital Edition), <https://www2.gwu.edu/~erpapers/myday/displaydoc.cfm?v=1945&f=md000125>.
- 93 COMM. ON WAYS AND MEANS, 105TH CONG., BACKGROUND MATERIAL AND DATA ON PROGRAMS WITHIN THE JURISDICTION OF THE COMMITTEE ON WAYS AND MEANS (GREEN BOOK) 661 (Comm. Print 1998), <https://www.gpo.gov/fdsys/pkg/GPO-CPRT-105WPRT37945/pdf/GPO-CPRT-105WPRT37945-2-9.pdf> [hereinafter COMM. ON WAYS AND MEANS, GREEN BOOK] (Table 9-1).
- 94 While the 1962 bill exempted mothers of preschool children from new work requirements, it provided funds for child care intended to encourage mothers who were current or potential AFDC recipients to seek work or training—and the Work Incentive (WIN) program created in 1967 allowed states to refer mothers of children under 6 (or even under 3, if they chose) to job programs as long as child care was available. Child care had to meet standards set by the Department of Health, Education, and Welfare; child care centers were also to be used as a source of employment for recipients. MICHEL, *supra* note 50, at 243-44.
- 95 Sonya Michel observes the “strong indications that [passage of the WIN program] was racially motivated,” based on the combination of increasing numbers of AFDC recipients and changes in the racial composition of those receiving aid. Higher numbers of Black beneficiaries resulted in part from the Social Security Administration’s 1960 ruling that illegitimacy could no longer be considered grounds for rejection of AFDC applications, which disabled a favorite ploy of many states to bar Black recipients from the rolls. Between 1960 and 1967 the racial composition of AFDC recipients shifted from 86 percent white to 46 percent nonwhite, with 95 percent of the nonwhites being African American. MICHEL, *supra* note 50, at 243-44.
- 96 See MICHEL, *supra* note 50, at 248; SALLY S. COHEN, CHAMPIONING CHILD CARE 26 (2001) [hereinafter COHEN, CHAMPIONING CHILD CARE] (quoting Rep. John Brademas (D.-Ind.), lead sponsor of the Comprehensive Child Development Act: “If we hadn’t had Project Head Start, I dare say . . . nobody would give a tinker’s damn about preschool programs anyway.”).
- 97 MICHEL, *supra* note 50, at 248.
- 98 See S. 2007, 92nd Cong. (1971) (as passed by Congress; S. 2007 was vetoed by President Nixon in 1972); Cohen, *A Brief History of Federal Financing for Child Care in the United States*, *supra* note 87, at 32.
- 99 COHEN, CHAMPIONING CHILD CARE, *supra* note 96, at 36. See also Cohen, *A Brief History of Federal Financing for Child Care in the United States*, *supra* note 87, at 32.
- 100 MICHEL, *supra* note 50, at 248.
- 101 Cohen, *A Brief History of Federal Financing for Child Care in the United States*, *supra* note 87, at 31.
- 102 See WHITEBOOK, *supra* note 24, at 21-22.
- 103 ADMIN. FOR CHILDREN AND FAMILIES, U.S. DEP’T OF HEALTH AND HUMAN SERVICES, Head Start Program Facts: Fiscal Year 2016 (2017), <https://eclkc.ohs.acf.hhs.gov/sites/default/files/pdf/hs-program-fact-sheet-2016.pdf>.
- 104 Richard Nixon, Veto of the Economic Opportunity Amendments of 1971 (Dec. 9, 1971) (transcript available at the American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=3251>).
- 105 MICHEL, *supra* note 50, at 250; see also PINTO, *supra* note 45, at 16-17.
- 106 COHEN, CHAMPIONING CHILD CARE, *supra* note 96, at 57.
- 107 Nancy L. Cohen, *Why America Never Had Universal Child Care*, NEW REPUBLIC (Apr. 24, 2013), <https://newrepublic.com/article/113009/child-care-america-was-very-close-universal-day-care>.
- 108 *Id.*
- 109 For example, in 1974, Congress included child care among the services to be funded by the new Title XX of the Social Security Act, which states were directed to use to promote “economic self-support” and “prevent, reduce, or eliminate dependency.” Pub. L. No. 93-647, 88 Stat. 2337. See also Cohen, *A Brief History of Federal Financing for Child Care in the United States*, *supra* note 87, at 32; MICHEL, *supra* note 50, at 251-52. In 1976, Congress converted the deduction for child care expenses to a tax credit, making benefits available to lower-income families who did not itemize deductions on their tax returns. The federal income tax deduction was first established in 1954 and was revised in 1964. See Internal Revenue Code of 1954, Pub. L. No. 83-591, 68 Stat. 729; United States Revenue Act of 1964, Pub. L. No. 88-272, 78 Stat. 19. See also Cohen, *A Brief History of Federal Financing for Child Care in the United States*, *supra* note 87, at 35. The credit has been amended since; for example, it was revised in 1981 to increase the amount of expenditures families could claim and create a sliding scale to make maximum relief available to those with low incomes. See *id.* But then as now, it remained non-refundable (meaning it could only be credited against a family’s income tax liability, with little to no benefit for the lowest-income families who owe little to no income taxes), and it still did not cover close to the full cost of care.

- 110 The Aid to Day Care Centers Act (ADCC), enacted in 1976, increased Title XX funding to enable states to meet higher standards for child care services established by the Federal Interagency Day Care Requirements (FIDCR). However, resistance from conservatives delayed implementation of the FIDCR until 1980—and in 1981, Congress effectively eliminated the FIDCR when it cut funding for Title XX and transformed the program into a block grant to which the FIDCR did not apply. *See* MICHEL, *supra* note 50, at 251-55.
- 111 COMM. ON WAYS AND MEANS, GREEN BOOK, *supra* note 93.
- 112 Cohen, *A Brief History of Federal Financing for Child Care in the United States*, *supra* note 87 (quoting Mary Frances Berry, former US commissioner on civil rights).
- 113 Omnibus Budget Reconciliation Act of 1990, Pub. L. No. 101-508, § 5082, 104 Stat. 1388, 236.
- 114 Cohen, *A Brief History of Federal Financing for Child Care in the United States*, *supra* note 87, at 34.
- 115 Omnibus Budget Reconciliation Act of 1990, Pub. L. No. 101-508, § 5082, 104 Stat. 1388, 236. States were required to reserve 25 percent of CCDBG funds; of this set-aside, at least 75 percent was to be dedicated to activities to provide before- and after-school and early childhood development services, and at least 20 percent for other quality improvement activities, including (at state option) raising provider compensation. *Id.* *See also* COHEN, CHAMPIONING CHILD CARE, *supra* note 96, at 284.
- 116 *See* MICHEL, *supra* note 50, at 277. “Whereas the original [Act for Better Child Care] bill would have authorized some \$2.5 billion to improve child care across the board, the Child Care and Development Block Grant that finally passed contained only \$825 million, most of which was targeted to low-income groups.” *Id.* For a detailed account of the legislative history, *see* COHEN, CHAMPIONING CHILD CARE, *supra* note 96, at 91-134.
- 117 Omnibus Budget Reconciliation Act of 1990, Pub. L. No. 101-508, § 5081, 104 Stat. 1388, 233-36. Notably, between 1980 and 1986, almost all categories of federal spending for child care for low-income families experienced major reductions (even as federal dollars devoted to child care tax subsidies for employers and the middle-class families who represented the bulk of new entrants into the labor force grew considerably). “For low-income and welfare mothers, inadequate child care, coupled with erratic and poorly paying job opportunities and discrimination in job training programs, meant that it was extremely difficult for them to become or remain self-sufficient. Already at a disadvantage, they now had to compete with an increasing number of middle-class women for both jobs and child care slots. These conditions, in turn, caused welfare rolls and expenditures to swell. . . . Nevertheless, Congress blamed AFDC, rather than the lack of child care, for the growth of poverty among female-headed households.” MICHEL, *supra* note 50, at 255.
- 118 Family Support Act of 1988, Pub. L. No. 100-485, 102 Stat. 2343. The FSA mandated participation in work, education, or training activities by mothers with children age 3 or older and allowed states to require participation by mothers with children as young as 1. The law was silent with regard to child care quality but it did link public subsidies to the private child care market for the first time: payments for an individual child’s care could not exceed the local market rate charged for child care. Providers in some states received higher rates than had ever been available to those delivering child care for AFDC families; in other states providers received the minimum allowed. *See* Cohen, *A Brief History of Federal Financing for Child Care in the United States*, *supra* note 87, at 33-34.
- 119 ROBERTS, *supra* note 56, at 17. *See also, e.g.*, JEAN HARDISTY, WELLESLEY CTRS. FOR WOMEN, BETWEEN A ROCK AND A HARD PLACE 17-18 (2013), <https://www.wcwoonline.org/images/stories/virtuemart/product/raceandchildcarereportjhardisty.pdf>.
- 120 *See* Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105; COHEN, CHAMPIONING CHILD CARE, *supra* note 96, at 198-201. PRWORA consolidated what had been separate programs under CCDBG, the Family Support Act, and the At-Risk Child Care program into one program (CCDBG). It also eliminated language in the Family Support Act and the regulations for At-Risk Child Care that had required states to pay market rates for child care, but it did require states to ensure that CCDBG-eligible children have the same access to child care as those not eligible for subsidies. *Id.* CCDBG regulations later recommended, but did not require, that states set payment rates for CCDBG providers at the 75th percentile of current market rates—a rate that is designed to allow families access to 75 percent of the providers in their communities. The recommendation to set provider payment rates at the 75th percentile of current market rates is in the preamble to both the previous CCDBG regulations, *see* Child Care and Development Fund, 63 Fed. Reg. 39936, 39936-38 (July 24, 1998) (Preamble to Final Rule), and the new regulations issued in September 2016, *see* Child Care and Development Fund, 81 Fed. Reg. 67438, 67438-44 (Sep. 30, 2016) (Preamble to Final Rule).
- 121 COHEN, CHAMPIONING CHILD CARE, *supra* note 96, at 197; WHITEBOOK, *supra* note 24, at 10. The law gave states the option to exempt mothers with children under age 1 from work requirements, and/or to allow mothers with children under age 6 to work 20 hours per week. For a detailed account of child care and welfare reform in the 1990s, *see* COHEN, CHAMPIONING CHILD CARE, *supra* note 96, at 170-207.
- 122 Child Care and Development Block Grant Act of 2014, Pub. L. No. 113-186, 128 Stat. 1971.
- 123 *See generally* HANNAH MATTHEWS ET AL., NAT’L WOMEN’S LAW CTR. & CTR. FOR LAW AND SOCIAL POLICY, IMPLEMENTING THE CHILD CARE AND DEVELOPMENT BLOCK GRANT REAUTHORIZATION: A GUIDE FOR STATES (2015), https://nwlc.org/wp-content/uploads/2015/08/final_nwlc_ccdbg_report2015_6_18_2015.pdf.
- 124 *See supra* note 120.
- 125 STEPHANIE SCHMIT & HANNAH MATTHEWS, CTR. FOR LAW AND SOCIAL POLICY, CHILD CARE AND DEVELOPMENT BLOCK GRANT INVESTMENT COULD SUPPORT BIPARTISAN REFORMS, STOP DECLINE IN CHILDREN SERVED 2 (2017), <https://www.clasp.org/sites/default/files/publications/2017/04/1.4-Billion-Needed-for-CCDBG-in-2018.pdf>.
- 126 *See generally, e.g.*, KAREN SCHULMAN, NAT’L WOMEN’S LAW CTR., THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 2014: UNEVEN STATE IMPLEMENTATION OF KEY POLICIES (2017), <https://nwlc.org/wp-content/uploads/2017/09/NWLC-report-on-state-implementation-of-CCDBG-reauthorization.pdf>; KAREN SCHULMAN & HELEN BLANK, PERSISTENT GAPS: STATE CHILD CARE ASSISTANCE POLICIES 2017 5 (2017), <https://nwlc.org/resources/persistent-gaps-state-child-care-assistance-policies-2017/>.
- 127 NAT’L WOMEN’S LAW CTR., CHILD CARE IS FUNDAMENTAL TO AMERICA’S CHILDREN, FAMILIES, AND ECONOMY (2016), <https://nwlc.org/wp-content/uploads/2017/01/Child-Care-101-1.17.17.pdf>.
- 128 SCHULMAN & BLANK, *supra* note 126, at 5.
- 129 In addition, as noted above, tax policies intended to help defray child care expenses remain inadequate for many families—especially those with the lowest incomes. *See generally* BELL & MATSUI, *supra* note 11.

- 130 See WHITEBOOK, *supra* note 24, at 8 & 102 n. 26-28.
- 131 *Id.*
- 132 See, e.g., James J. Heckman, *Skill Formation and the Economics of Investing in Disadvantaged Children*, 312 SCIENCE 1900 (2006), http://jenni.uchicago.edu/papers/Heckman_Science_v312_2006.pdf; LAWRENCE J. SCHWEINHART ET AL., LIFETIME EFFECTS: THE HIGHSCOPE PERRY PRESCHOOL STUDY THROUGH AGE 40 14 (2005); Frances A. Campbell et al., *Adult Outcomes as a Function of an Early Childhood Educational Program: An Abecedarian Project Follow-Up*, 48 DEVELOPMENTAL PSYCHOL. 1033 (2012).
- 133 The Chief Economist for the Department of Labor under the Obama Administration estimated that if U.S. women between 25 and 54 participated in the labor force at the same rate as they do in Canada or Germany, which have paid leave and other family-friendly policies, there would be more than five million more women in the labor force in the U.S. This, in turn, would translate into more than \$500 billion of additional economic activity per year. See U.S. DEP'T OF LABOR, THE COST OF DOING NOTHING: THE PRICE WE ALL PAY WITHOUT PAID LEAVE POLICIES TO SUPPORT AMERICA'S 21ST CENTURY WORKING FAMILIES (2015), <https://www.dol.gov/featured/paidleave/cost-of-doing-nothing-report.pdf>.
- 134 For more information on the recommendations in this section, including specific examples of public and private sector policies, practices, and strategies that have been implemented at the federal, state, and local levels, see generally EMILY MARTIN ET AL., NAT'L WOMEN'S LAW CTR., SET UP FOR SUCCESS: SUPPORTING PARENTS IN LOW-WAGE JOBS AND THEIR CHILDREN – AN AGENDA FOR ACTION (2016), <https://nwlc.org/wp-content/uploads/2016/06/Set-Up-for-Success.pdf>.
- 135 See NAT'L WOMEN'S LAW CTR., GETTING ORGANIZED: UNIONIZING HOME-BASED CHILD CARE PROVIDERS: 2013 UPDATE (2014), http://nwlc.org/wp-content/uploads/2015/08/nwlc_gettingorganized2013update.pdf; E-mail from Becky Levin & Sookyung Oh, Am. Fed'n of State, Cty. and Mun. Emps., to Karen Schulman, Nat'l Women's Law Ctr. (Dec. 16, 2015) (on file with author). A recent decision by the U.S. Supreme Court has made it more difficult for public-sector unions to represent home-based child care providers, by prohibiting unions from charging "fair share" fees to all individuals represented by the union to cover the costs of collective bargaining and contract implementation. *Harris v. Quinn*, 134 S. Ct. 2618 (2014). As a result, unions face new financial obstacles in representing these workers.
- 136 Increased credential requirements may reduce access to jobs for people of color. For example, the share of Head Start teachers with a degree has increased by 61 percent since 1997 (WHITEBOOK, *supra* note 24, at 32-33), but the share of teachers who are people of color has declined as credential requirements have increased (E-mail from Stephanie Schmit, Ctr. for Law and Social Policy, to Karen Schulman, Nat'l Women's Law Ctr. (May 4, 2017) (analyzing Head Start Program Information Report Data, 2005-2015) (on file with author)). Educational opportunities and requirements intended to increase professionalization and pay of the child care field must be carefully designed and accompanied by measures to ensure those opportunities are available to women of color.
- 137 *Organizations that House T.E.A.C.H.*, T.E.A.C.H. EARLY CHILDHOOD NAT'L CTR., <http://teachecnationalcenter.org/t-e-a-c-h-early-childhood/organizations-that-house-t-e-a-c-h/> (last visited Nov. 2, 2017). The T.E.A.C.H. states are Alabama, Colorado, Delaware, Florida, Iowa, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, and Wisconsin.
- 138 See generally NAT'L WOMEN'S LAW CTR., A CATALOG OF STRATEGIES TO SUPPORT FAMILY, FRIEND, AND NEIGHBOR CARE (2016), <https://nwlc.org/resources/a-catalog-of-strategies-to-support-family-friend-and-neighbor-care/>.
- 139 ANNE MORRISON & KATHERINE GALLAGHER ROBBINS, NAT'L WOMEN'S LAW CTR., PART-TIME WORKERS ARE PAID LESS, HAVE LESS ACCESS TO BENEFITS—AND TWO-THIRDS ARE WOMEN (2015), https://nwlc.org/wp-content/uploads/2015/08/part-time_workers_fact_sheet_8.21.1513.pdf.
- 140 AJAY CHAUDRY & KATIE HAMM, CTR. FOR AM. PROGRESS, THE CHILD CARE FOR WORKING FAMILIES ACT WILL BOOST EMPLOYMENT AND CREATE JOBS (2017), <https://www.americanprogress.org/issues/early-childhood/reports/2017/12/07/443783/child-care-working-families-act-will-boost-employment-create-jobs/>.
- 141 *Id.*
- 142 For more information, see NAT'L WOMEN'S LAW CTR., CHILD CARE FOR WORKING FAMILIES ACT (2017), https://nwlc.org/wp-content/uploads/2017/06/LongSummary_FINAL.pdf.



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