

117TH CONGRESS  
2D SESSION

# S. 3899

To amend the Child Care and Development Block Grant Act of 1990 to reauthorize and update the Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 22, 2022

Mr. SCOTT of South Carolina (for himself, Mr. BURR, Ms. MURKOWSKI, Ms. COLLINS, Mr. SULLIVAN, Mr. SASSE, Mr. GRASSLEY, Mr. YOUNG, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Child Care and Development Block Grant Act of 1990 to reauthorize and update the Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Care and Devel-  
5 opment Block Grant Reauthorization Act of 2022”.

6 **SEC. 2. PURPOSES.**

7 (a) REDESIGNATION.—Section 658A of the Child  
8 Care and Development Block Grant Act of 1990 (42  
9 U.S.C. 9857) is redesignated as section 658 of such Act.

1 (b) AMENDMENT.—Subsection (b) of that section 658  
2 is amended to read as follows:

3 “(b) PURPOSES.—The purposes of this subchapter  
4 are—

5 “(1) to allow each State maximum flexibility in  
6 developing a mixed delivery system to provide child  
7 care that best suits the needs of children and work-  
8 ing parents within that State;

9 “(2) to promote parental choice to empower  
10 working parents to make their own decisions regard-  
11 ing the child care services that best suit their fam-  
12 ily’s needs;

13 “(3) to encourage States to provide consumer  
14 education information to help parents make in-  
15 formed choices about child care services and to pro-  
16 mote involvement by parents and family members in  
17 the development of their children in child care set-  
18 tings;

19 “(4) to assist States in delivering high-quality,  
20 coordinated child care services to maximize parents’  
21 options to cover the full workday and full work year,  
22 to support continuity of care for children, and to  
23 support parents trying to achieve independence from  
24 public assistance;

1           “(5) to assist States in improving the overall  
2           quality of child care by implementing the health,  
3           safety, licensing, early learning and development,  
4           professional, and oversight standards established in  
5           this subchapter and in State law (including State  
6           regulations);

7           “(6) to assist States—

8                   “(A) in supporting the education and pro-  
9                   fessional development of child care staff; and

10                   “(B) in supporting child care providers in  
11                   the recruitment of, professional development  
12                   for, and retention of a qualified child care work-  
13                   force; and

14           “(7) to increase the number and percentage of  
15           low-income children in high-quality child care set-  
16           tings.”.

17           (c) **RULE OF CONSTRUCTION.**—The term “child  
18           care” as used in this subchapter includes preschool, pre-  
19           kindergarten, and early childhood education for children  
20           birth to 5 and before school, after school, and summer  
21           care for school-age children.

22           **SEC. 3. DEFINITIONS.**

23           (a) **IN GENERAL.**—Section 658P of the Child Care  
24           and Development Block Grant Act of 1990 (42 U.S.C.  
25           9858n) is amended—

1           (1) by redesignating paragraphs (2) and (3),  
2           (4) through (7), (8) and (9), and (10) through (15),  
3           as paragraphs (3) and (4), (6) through (9), (11) and  
4           (12), and (14) through (19), respectively;

5           (2) by inserting after paragraph (1) the fol-  
6           lowing:

7           “(2) CHILD CARE.—The term ‘child care’ in-  
8           cludes preschool, prekindergarten, and early child-  
9           hood education for children from birth through age  
10          5, and before school, after school, and summer care  
11          for school-age children.”;

12          (3) in paragraph (4), as so redesignated—

13           (A) in subparagraph (B), by inserting  
14           “and” at the end;

15           (B) in subparagraph (C), by striking “;  
16           and” at the end and inserting a period; and

17           (C) by striking subparagraph (D);

18          (4) by striking paragraph (6), as so redesign-  
19          ated, and inserting the following:

20          “(5) ELIGIBLE ACTIVITY.—The term ‘eligible  
21          activity’, means an activity consisting of—

22           “(A) full-time or part-time employment;

23           “(B) self-employment;

24           “(C) job search activities;

25           “(D) job training;

1           “(E) secondary, postsecondary, or adult  
2 education, including education through a pro-  
3 gram of high school classes, a course of study  
4 at an institution of higher education, classes to-  
5 wards an equivalent of a high school diploma  
6 recognized by State law, or English as a second  
7 language classes;

8           “(F) health treatment (including mental  
9 health and substance use treatment) for a con-  
10 dition that prevents the parent involved from  
11 participating in other eligible activities;

12           “(G) activities to prevent child abuse or  
13 neglect, or family violence prevention or inter-  
14 vention activities;

15           “(H) employment and training activities  
16 under the supplemental nutrition assistance  
17 program established under section 6(d)(4) of  
18 the Food and Nutrition Act of 2008 (7 U.S.C.  
19 2015(d)(4));

20           “(I) employment and training activities  
21 under the Workforce Innovation and Oppor-  
22 tunity Act (29 U.S.C. 3101 et seq.);

23           “(J) a work activity described in sub-  
24 section (d) of section 407 of the Social Security  
25 Act (42 U.S.C. 607) for which, consistent with

1 clauses (ii) and (iii) of section 402(a)(1)(A) of  
2 such Act (42 U.S.C. 602(a)(1)(A)), a parent is  
3 treated as being engaged in work for a month  
4 in a fiscal year for purposes of the program of  
5 block grants to States for temporary assistance  
6 for needy families established under part A of  
7 title IV of the Social Security Act (42 U.S.C.  
8 601 et seq.); or

9 “(K) taking leave under the Family and  
10 Medical Leave Act of 1993 (29 U.S.C. 2601 et  
11 seq.) (or equivalent provisions for Federal em-  
12 ployees), a State or local paid or unpaid leave  
13 law, or a program of employer-provided leave.

14 “(6) ELIGIBLE CHILD.—The term ‘eligible  
15 child’ means an individual—

16 “(A) who is less than 13 years of age;

17 “(B)(i)(I) whose family income does not  
18 exceed 85 percent of the State median income  
19 for a family of the same size; or

20 “(II) in the case of a State that has deter-  
21 mined it is necessary to serve additional chil-  
22 dren, after ensuring that all eligible children de-  
23 scribed in subclause (I) have had an appro-  
24 priate opportunity to receive services under this  
25 subchapter, whose family income does not ex-

1           ceed a State limit that is not more than 150  
 2           percent of the State median income for a family  
 3           of the same size; and

4           “(ii) whose family assets do not exceed  
 5           \$1,000,000 (as certified by a member of such  
 6           family); and

7           “(C) who—

8           “(i) resides with a parent or parents  
 9           who are participating in an eligible activ-  
 10          ity;

11          “(ii) is a child experiencing homeless-  
 12          ness, a child in kinship care, or a child who  
 13          is receiving, or needs to receive, child pro-  
 14          tective services; or

15          “(iii) resides with a parent who is  
 16          more than 65 years of age.”;

17          (5) in paragraph (8), as so redesignated—

18           (A) in subparagraph (A), by striking “or”  
 19          at the end;

20           (B) in subparagraph (B)—

21           (i) by inserting “the child (if the  
 22           spouse of such provider is engaged in an  
 23           eligible activity),” after “decree,”; and

24           (ii) by striking the period at the end  
 25          and inserting “; or”; and

1 (C) by adding at the end the following:

2 “(C) notwithstanding section 645(a)(1)(B)  
3 of the Head Start Act (42 U.S.C.  
4 9840(a)(1)(B)), a Head Start agency.”;

5 (6) by striking paragraph (9), as so redesign-  
6 nated, and inserting the following:

7 “(9) FAMILY CHILD CARE PROVIDER.—The  
8 term ‘family child care provider’ means an individual  
9 who provides child care services in a private resi-  
10 dence—

11 “(A) for fewer than 24 hours per day per  
12 child; or

13 “(B) for 24 hours per day per child due to  
14 the nature of the work of the parent involved.

15 “(10) HOMELESS CHILD.—The term ‘homeless  
16 child’ means an individual described in section  
17 725(2) of the McKinney-Vento Homeless Assistance  
18 Act (42 U.S.C. 11434a(2)).”;

19 (7) in paragraph (11), as so redesignated, by  
20 striking “(11)” and all that follows through “mean-  
21 ing” and inserting the following:

22 “(11) INDIAN TRIBE; INDIAN TRIBE.—The term  
23 ‘Indian Tribe’ or ‘Indian tribe’ has the meaning”;

24 (8) by inserting after paragraph (12), as so re-  
25 designated, the following:



1           “(13) MIXED DELIVERY SYSTEM.—The term  
2           ‘mixed delivery system’ means a system of child care  
3           services that—

4                   “(A) promotes parental choice to empower  
5           working parents to make their own decisions re-  
6           garding the child care services that best suit  
7           their family’s needs;

8                   “(B) delivers services through a combina-  
9           tion of programs offered by eligible child care  
10          providers (including faith-based and commu-  
11          nity-based child care providers) in a variety of  
12          settings (including family child care homes,  
13          child care centers, Head Start centers, and pub-  
14          lic and private schools); and

15                  “(C) is supported with a combination of  
16          public and private funds.”;

17          (9) in paragraph (16), as so redesignated, by  
18          striking “unless the context specifies otherwise” and  
19          inserting “except as otherwise specified”; and

20          (10) in paragraph (19), as so redesignated, by  
21          striking “(19)” and all that follows through “has the  
22          meaning” and inserting the following:

23                  “(19) TRIBAL ORGANIZATION; TRIBAL ORGANI-  
24          ZATION.—

1           “(A) IN GENERAL.—The term ‘Tribal or-  
2           organization’ or ‘tribal organization’ has the  
3           meaning”.

4           (b) REDESIGNATION.—The Child Care and Develop-  
5           ment Block Grant Act of 1990 (42 U.S.C. 9857 et seq.)  
6           is amended—

7           (1) by redesignating section 658P as section  
8           658A; and

9           (2) by moving section 658A, as so redesignated,  
10          to follow section 658, as redesignated by section 2.

11 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

12          (a) PART.—The Child Care and Development Block  
13          Grant Act of 1990 is amended by inserting before section  
14          658B the following:

15                 **“PART I—CHILD CARE SERVICES”.**

16          (b) IN GENERAL.—Section 658B of the Child Care  
17          and Development Block Grant Act of 1990 (42 U.S.C.  
18          9858) is amended to read as follows:

19 **“SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.**

20                 “‘There is authorized to be appropriated to carry out  
21          this subchapter (other than section 658T) \$6,165,330,000  
22          for fiscal year 2022, and such sums as may be necessary  
23          for each of fiscal years 2023 through 2026.’”.

1 **SEC. 5. LEAD AGENCY.**

2 Section 658D(b) of the Child Care and Development  
3 Block Grant Act of 1990 (42 U.S.C. 9858b(b)) is amend-  
4 ed by striking paragraph (2) and inserting the following:

5 “(2) DEVELOPMENT OF PLAN.—The lead agen-  
6 cy shall develop the State plan described in para-  
7 graph (1)(B) in meaningful consultation with—

8 “(A) parents of children eligible for serv-  
9 ices under this subchapter, which shall include  
10 parents of children in a priority population de-  
11 scribed in section 658E(c)(2)(M);

12 “(B) eligible child care providers that rep-  
13 resent the various geographic areas and types  
14 of providers in the State;

15 “(C) employers of various sizes and with  
16 various hours and days of operations whose em-  
17 ployees rely on reliable and accessible child care  
18 to work; and

19 “(D) appropriate representatives of units  
20 of general purpose local government and, as ap-  
21 propriate, of Indian Tribes and Tribal organiza-  
22 tions.”.

23 **SEC. 6. APPLICATION AND PLAN.**

24 Section 658E of the Child Care and Development  
25 Block Grant Act of 1990 (42 U.S.C. 9858e) is amended—

1           (1) in subsection (b), by striking “3-year” and  
2 inserting “5-year”; and

3           (2) in subsection (c)—

4               (A) in paragraph (2)—

5                   (i) in subparagraph (A)(i)—

6                       (I) in subclause (I), by striking  
7 “a child” and inserting “an eligible  
8 child”; and

9                       (II) in subclause (II), by striking  
10 “section 658P(2)” and inserting “sec-  
11 tion 658A(3)”;

12                   (ii) in subparagraph (D), by striking  
13 “, not later” and all that follows through  
14 “subparagraph (K)(i),”;

15                   (iii) in subparagraph (E)(i)—

16                       (I) in the matter preceding sub-  
17 clause (I), by inserting “, offered  
18 through a mixed delivery system,”  
19 after “full diversity of child care serv-  
20 ices”;

21                       (II) in subclause (I), by inserting  
22 “(including information on the hours  
23 and days of operation and ages  
24 served)” after “of child care services”;

1 (III) in subclause (II), by insert-  
2 ing before the semicolon the following:  
3 “or a national accrediting body with  
4 demonstrated, valid, and reliable pro-  
5 gram standards for high quality”; and  
6 (IV) in subclause (IV)—  
7 (aa) by striking “and” be-  
8 fore “the Medicaid”; and  
9 (bb) by inserting before the  
10 semicolon the following: “, and  
11 the Maternal, Infant, and Early  
12 Childhood Home Visiting Pro-  
13 grams under section 511 of the  
14 Social Security Act (42 U.S.C.  
15 711)”;  
16 (iv) in subparagraph (G)—  
17 (I) in the subparagraph heading,  
18 by striking “TRAINING AND PROFES-  
19 SIONAL” and inserting “PROFES-  
20 SIONAL”;  
21 (II) in clause (i) and clause (ii)  
22 (in the matter preceding subclause  
23 (I)), by striking “training and” before  
24 “professional development”;

1 (III) in clause (ii)(II), by striking  
2 “, and may engage” and all that fol-  
3 lows through “training framework”;  
4 and

5 (IV) in clause (iii), by striking  
6 “training” and inserting “professional  
7 development”;

8 (v) in subparagraph (I)(i)—

9 (I) in subclause (VII)—

10 (aa) by striking “for emer-  
11 gencies” and inserting the fol-  
12 lowing: “for—

13 “(aa) emergencies”;

14 (bb) by striking the semi-  
15 colon at the end and inserting “;  
16 and”; and

17 (cc) by adding at the end  
18 the following:

19 “(bb) a public health emer-  
20 gency declared by the Secretary  
21 pursuant to section 319 of the  
22 Public Health Service Act (42  
23 U.S.C. 247d);”; and

24 (II) in subclause (IX), by strik-  
25 ing “if applicable,”;

1 (vi) in subparagraph (J)—

2 (I) by striking “that procedures”  
3 and inserting the following: “that—  
4 “(i) procedures”;

5 (II) by striking the period at the  
6 end and inserting “; and”; and

7 (III) by adding at the end the  
8 following:

9 “(ii) the State will undertake a review  
10 of State and local health and safety re-  
11 quirements (including requirements for in-  
12 spections under this subchapter and the  
13 child and adult care food program estab-  
14 lished under section 17 of the Richard B.  
15 Russell National School Lunch Act (42  
16 U.S.C. 1766)) to determine redundancies  
17 and oversights that may exist, to ensure—

18 “(I) children receive child care  
19 services in healthy and safe environ-  
20 ments; and

21 “(II) child care providers can  
22 easily identify, understand, and com-  
23 ply with applicable health and safety  
24 requirements.”;

25 (vii) in subparagraph (K)(i)—

1 (I) in the matter preceding sub-  
2 clause (I), by striking “, not later”  
3 and all that follows through “2014,”;  
4 and

5 (II) in subclause (IV), by striking  
6 “section 658P(6)(B)” and inserting  
7 “section 658A(8)(B)”;

8 (viii) in subparagraph (M)—

9 (I) by redesignating clauses (ii)  
10 through (iv) as clauses (iii) through  
11 (v), respectively;

12 (II) by striking clause (i) and in-  
13 serting the following:

14 “(i) children in underserved areas, in-  
15 cluding areas that have significant con-  
16 centrations of poverty and unemployment  
17 and that do not have a supply of eligible  
18 child care providers;

19 “(ii) children in rural areas;”; and

20 (III) in clause (iv), as so redesign-  
21 nated, by striking “, as defined by the  
22 State”;

23 (ix) in subparagraph (N)—



1 (I) in clauses (i)(I) and (iv), by  
2 striking “85 percent” and inserting  
3 “150 percent”; and

4 (II) in clause (iii), by striking  
5 “At the option of the State, the” and  
6 inserting “The”;

7 (x) in subparagraph (O)(i), by strik-  
8 ing “full-day services” and inserting “full  
9 workday and full work year services”;

10 (xi) in subparagraph (S)(ii), by strik-  
11 ing “, to the extent” and all that follows  
12 through “fixed costs” and inserting “im-  
13 plement enrollment and eligibility policies  
14 that support the fixed and operational  
15 costs”;

16 (xii) in subparagraph (T)(i), by strik-  
17 ing “or implement” and all that follows  
18 through “of 2014)” and inserting “and im-  
19 plement early learning and developmental  
20 guidelines”;

21 (xiii) in subparagraph (U)—

22 (I) in clause (i)—

23 (aa) by striking “Governor  
24 or” and inserting “Governor,”;  
25 and

1 (bb) by inserting before the  
2 period the following: “, or a pub-  
3 lic health emergency declared by  
4 the Secretary pursuant to section  
5 319 of the Public Health Service  
6 Act (42 U.S.C. 247d)”;

7 (II) in clause (ii), by inserting  
8 “State and local health agencies,”  
9 after “licensing of child care pro-  
10 viders,”; and

11 (III) in clause (iii)(II), by strik-  
12 ing “following the emergency or dis-  
13 aster, which may include” and insert-  
14 ing “during and following the emer-  
15 gency or disaster, which shall include  
16 guidelines for the”; and

17 (xiv) in subparagraph (V), by striking  
18 “develop” and all that follows through  
19 “services.” and inserting “support child  
20 care business technical assistance including  
21 supporting—

22 “(I) provision of strategies to  
23 support management coaching and  
24 the use of core best business prac-  
25 tices;

1           “(II) development and use of  
2           shared services initiatives including  
3           initiatives involving provider networks  
4           such as child care center alliances and  
5           family child care provider networks;  
6           and

7           “(III) coordination of activities  
8           with programs of the Small Business  
9           Administration, programs of the De-  
10          partment of Agriculture, and other  
11          Federal, State, and local programs  
12          supporting child care businesses.”;

13          (B) in paragraph (3)—

14           (i) in subparagraph (B)(ii), by strik-  
15          ing “Not later” and all that follows  
16          through “shall prepare” and inserting  
17          “Not later than September 30 of each fis-  
18          cal year, the Secretary shall prepare”; and

19           (ii) in subparagraph (D)—

20           (I) by striking “with respect to”  
21          and all that follows through “2020”  
22          and inserting “with respect to each  
23          fiscal year”; and

24           (II) by striking “described in  
25          clause (i), (ii), (iii), or (iv) of” and in-

1                   serting “in priority populations de-  
2                   scribed in”;

3                   (C) in paragraph (4)—

4                   (i) by striking subparagraphs (A) and  
5                   (B) and inserting the following:

6                   “(A) IN GENERAL.—The State plan shall  
7                   certify, not later than October 1, 2024, that  
8                   payment rates, for the provision of child care  
9                   services for which assistance is provided in ac-  
10                  cordance with this subchapter, are sufficient to  
11                  meet the cost of providing the child care serv-  
12                  ices, including the fixed and operational costs of  
13                  providing the child care services, and are set  
14                  and paid in accordance with a cost estimation  
15                  model described in subparagraph (B).

16                  “(B) COST ESTIMATION MODEL.—The  
17                  State plan shall—

18                  “(i) demonstrate that the State, after  
19                  consulting with eligible child care pro-  
20                  viders, the State Advisory Council on Early  
21                  Childhood Education and Care designated  
22                  or established in section 642B(b)(1)(A)(i)  
23                  of the Head Start Act (42 U.S.C.  
24                  9837b(b)(1)(A)(i)), local child care pro-  
25                  gram administrators, local child care re-

1 source and referral agencies, and other ap-  
2 propriate entities, has developed and uses  
3 a statistically valid and reliable cost esti-  
4 mation model for the payment rates for  
5 providers of child care services in the  
6 State, that—

7 “(I) reflects the costs of service  
8 delivery, including fixed costs, oper-  
9 ating expenses, and staff salaries and  
10 benefits necessary to recruit, train,  
11 and retain qualified staff;

12 “(II) reflects variations in the  
13 costs of service delivery by submarket,  
14 type of provider, and children served,  
15 including by—

16 “(aa) geographic area (such  
17 as location in an urban or rural  
18 area);

19 “(bb) ages of children;

20 “(cc) whether the children  
21 have particular needs (such as  
22 needs of children with disabilities  
23 and children served by child pro-  
24 tective services);

1 “(dd) whether the providers  
2 provide services during weekend  
3 and other nontraditional hours;  
4 and

5 “(ee) quality of child care  
6 provider as determined by the  
7 State; and

8 “(III) is reviewed not less often  
9 than once every 2 years and adjusted  
10 as may be necessary to—

11 “(aa) ensure payment rates  
12 remain sufficient to meet the re-  
13 quirements of this subchapter;  
14 and

15 “(bb) provide a cost of living  
16 increase to maintain the level of  
17 services provided during the year  
18 prior to the review; and

19 “(ii) describe how the State will pro-  
20 vide for timely payments, set in accordance  
21 with the model described in clause (i), for  
22 child care services provided under this sub-  
23 chapter.”;

24 (ii) in subparagraph (C)—

25 (I) by striking clause (ii); and

1 (II) by striking “(C)” and all  
2 that follows through “Nothing” and  
3 inserting the following:

4 “(C) CONSTRUCTION.—Nothing”; and

5 (iii) by adding at the end the fol-  
6 lowing:

7 “(D) NO FEDERAL CONTROL.—The Sec-  
8 retary may offer guidance to States on cost es-  
9 timation models described in subparagraph (B),  
10 but shall not require a State to adopt a par-  
11 ticular cost estimation model or element of a  
12 particular cost estimation model.”; and

13 (D) by striking paragraph (5) and insert-  
14 ing the following:

15 “(5) SLIDING FEE SCALE.—

16 “(A) IN GENERAL.—The State plan shall  
17 provide that the State will establish and peri-  
18 odically revise a sliding fee scale to determine  
19 a full copayment for a family receiving assist-  
20 ance under this subchapter (or, for a family re-  
21 ceiving part-time care, a reduced copayment  
22 that is the proportionate amount of the full co-  
23 payment) that shall be set in accordance with  
24 subparagraph (B) and that is not a barrier to

1 families receiving assistance under this sub-  
2 chapter.

3 “(B) COPAYMENT.—

4 “(i) FULL COPAYMENT.—The State  
5 shall ensure that the sliding fee scale re-  
6 sults in a full copayment, toward the cost  
7 of the child care involved for all eligible  
8 children in the family for a family receiv-  
9 ing assistance under the subchapter, that  
10 shall be set, for a family with a family in-  
11 come—

12 “(I) of not more than 75 percent  
13 of the State median income for a fam-  
14 ily of the same size, to be 0 percent  
15 of that family income;

16 “(II) of more than 75 percent  
17 but not more than 100 percent of the  
18 State median income for a family of  
19 the same size, to be more than 0 but  
20 not more than 2 percent of that fam-  
21 ily income;

22 “(III) of more than 100 percent  
23 but not more than 125 percent of the  
24 State median income for a family of  
25 the same size, to be more than 2 but



1 not more than 4 percent of that fam-  
 2 ily income; and

3 “(IV) of more than 125 percent  
 4 but not more than 150 percent of the  
 5 State median income for a family of  
 6 the same size, to be more than 4 but  
 7 not more than 7 percent of that fam-  
 8 ily income.

9 “(ii) **REDUCED COPAYMENT.**—The  
 10 State shall ensure that the sliding fee scale  
 11 results in a reduced copayment toward the  
 12 cost specified in clause (i), for a family re-  
 13 ceiving part-time care, that shall be the  
 14 proportionate amount of the full copay-  
 15 ment under clause (i).”.

16 **SEC. 7. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD**  
 17 **CARE.**

18 Section 658G of the Child Care and Development  
 19 Block Grant Act of 1990 (42 U.S.C. 9858e) is amended—

20 (1) in subsection (a)(2)—

21 (A) by striking subparagraph (A) and in-  
 22 serting the following:

23 “(A) to carry out the activities described in  
 24 paragraph (1), not less than 9 percent of the

1 funds described in paragraph (1) for each fiscal  
2 year; and”;

3 (B) in subparagraph (B)—

4 (i) by striking “received not later”  
5 and all that follows through “succeeding  
6 full fiscal year” and inserting “received for  
7 each fiscal year”; and

8 (ii) by striking “and subsection  
9 (b)(4)”;

10 (2) in subsection (b)—

11 (A) in the matter preceding paragraph (1),  
12 by inserting “(which shall include activities se-  
13 lected by the State to carry out paragraph (1))”  
14 after “following activities”;

15 (B) by striking paragraphs (1) and (2) and  
16 inserting the following:

17 “(1) Supporting the education and professional  
18 development of child care staff and supporting child  
19 care providers in the recruitment of, professional de-  
20 velopment for, and retention of a qualified child care  
21 workforce, through activities selected by the State  
22 such as—

23 “(A) the development and expansion of ini-  
24 tiatives to assist child care staff in the attain-  
25 ment of postsecondary credentials and degrees;

1           “(B) the provision of financial assistance  
2           (including through bonuses, retention grants,  
3           and wage supplements)—

4                   “(i) for child care staff to pursue a  
5                   postsecondary credential or degree; and

6                   “(ii) for child care providers to re-  
7                   cruit, provide professional development for,  
8                   and retain child care staff who have at-  
9                   tained such credentials or degrees;

10           “(C) the development and implementation  
11           of apprenticeship programs that equip appren-  
12           tices with specialized knowledge, skills, and  
13           competencies required to work in child care,  
14           which programs may include activities to—

15                   “(i) increase the number of individ-  
16                   uals (including the number of individuals  
17                   seeking to work with priority populations  
18                   of children described in section  
19                   658E(c)(2)(M)) who complete an appren-  
20                   ticeship program and obtain a credential or  
21                   degree;

22                   “(ii) promote the recruitment and re-  
23                   tention of apprentices through strategies  
24                   for—

1                   “(I) supervising and mentoring  
2                   apprentices; and

3                   “(II) providing pathways to ca-  
4                   reer advancement for apprentices; and

5                   “(iii) support partnerships between in-  
6                   stitutions of higher education, eligible child  
7                   care providers (or a consortium of eligible  
8                   child care providers), and other entities  
9                   participating in an apprenticeship program  
10                  to provide for—

11                  “(I) the award of postsecondary  
12                  academic credit for related instruction  
13                  or on-the-job training provided  
14                  through the apprenticeship; and

15                  “(II) the application of such  
16                  credit toward a credential or degree  
17                  from an institution in the partnership;  
18                  or

19                  “(D) professional development opportuni-  
20                  ties for child care providers that relate to—

21                  “(i) the use of scientifically based, de-  
22                  velopmentally appropriate and age-appro-  
23                  priate strategies to promote the social,  
24                  emotional, physical, and cognitive develop-  
25                  ment of children, including specialized pro-

1 professional development for child care pro-  
2 viders caring for those priority populations  
3 of children described in section  
4 658E(c)(2)(M);

5 “(ii) the use of effective behavior  
6 management strategies, including positive  
7 behavior interventions and support models,  
8 that promote positive social and emotional  
9 development and reduce challenging behav-  
10 iors, including reducing expulsions of pre-  
11 school-aged children for such behaviors;

12 “(iii) the nutritional and physical ac-  
13 tivity needs of young children to promote  
14 healthy development; and

15 “(iv) the use of strategies for engag-  
16 ing parents and families in culturally and  
17 linguistically appropriate ways to expand  
18 their knowledge, skills, and capacity to  
19 support their children’s development;”;

20 (C) by redesignating paragraph (3) as  
21 paragraph (2);

22 (D) in paragraph (2), as so redesignated—

23 (i) by striking subparagraph (A) and  
24 inserting the following:

1           “(A) support and assess the quality of  
2 child care providers in the State, which may in-  
3 clude supporting child care providers in the vol-  
4 untary pursuit of accreditation by a national  
5 accrediting body with demonstrated, valid, and  
6 reliable program standards of high quality;”;  
7 and

8                       (ii) by striking subparagraph (C) and  
9 inserting the following:

10           “(C) be designed to improve the quality of  
11 different types of child care providers and serv-  
12 ices, including child care centers and family  
13 child care providers, and which shall be appro-  
14 priate for providers serving different age groups  
15 of children and for providers serving children  
16 during nontraditional hours of operation;”;

17           (E) by inserting after paragraph (2), as so  
18 redesignated, the following:

19           “(3) Establishing or expanding a statewide sys-  
20 tem of child care resource and referral services to  
21 help parents make informed choices about child care  
22 services through transparent and easy-to-understand  
23 consumer information about high-quality care and  
24 education.”;

1 (F) by striking paragraphs (4) through  
2 (6);  
3 (G) by redesignating paragraph (7) as  
4 paragraph (4);  
5 (H) by striking paragraphs (8) and (9);  
6 and  
7 (I) by redesignating paragraph (10) as  
8 paragraph (5); and  
9 (3) in subsection (c), by striking “Beginning  
10 with fiscal year 2016, at” and inserting “At”.

11 **SEC. 8. REPORTS AND AUDITS.**

12 Section 685K(a)(2) of the Child Care and Develop-  
13 ment Block Grant Act of 1990 (42 U.S.C. 9858i(a)(2))  
14 is amended—

15 (1) in the matter preceding subparagraph (A)—  
16 (A) by striking “Not later than” and all  
17 that follows through “a State” and inserting “A  
18 State”; and  
19 (B) by inserting “annually” before “pre-  
20 pare”;  
21 (2) in subparagraph (A), by striking “section  
22 658P(6)” and inserting “section 658A(8)”; and  
23 (3) in subparagraph (F), by striking “section  
24 658P(6)(B)” and inserting “section 658A(8)(B)”.

1 **SEC. 9. REPORTS, HOTLINE, AND WEBSITE.**

2 Section 658L of the Child Care and Development  
3 Block Grant Act of 1990 (42 U.S.C. 9858j) is amended—

4 (1) in subsection (a), by striking “Not later”  
5 and all that follows through “the Secretary shall”  
6 and inserting “The Secretary shall biennially”; and

7 (2) in subsection (b)(2)(B)(ii), by inserting “,  
8 or a national accrediting body with demonstrated,  
9 valid, and reliable program standards for high qual-  
10 ity,” after “System”.

11 **SEC. 10. TECHNICAL AMENDMENTS.**

12 Section 658O(a) of the Child Care and Development  
13 Block Grant Act of 1990 (42 U.S.C. 9858m(a)) is amend-  
14 ed—

15 (1) in paragraphs (1), (3), and (4) by striking  
16 “this subchapter” and inserting “section 658B”;  
17 and

18 (2) in paragraph (5) by striking “this sub-  
19 chapter” the first place it appears and inserting  
20 “section 658B”.

21 **SEC. 11. CHILD CARE SUPPLY AND FACILITIES GRANTS.**

22 The Child Care and Development Block Grant Act  
23 of 1990 (42 U.S.C. 9857 et seq.) is amended by adding  
24 at the end the following:



1 **“PART II—CHILD CARE SUPPLY AND FACILITIES**

2 **“SEC. 658T. CHILD CARE SUPPLY AND FACILITIES GRANTS.**

3 “(a) PURPOSES.—The purposes of this section are to  
4 provide grants to States, territories described in section  
5 658O(a)(1) (referred to individually in this part as a ‘ter-  
6 ritory’), Indian Tribes, and Tribal organizations to—

7 “(1) expand the supply and capacity of child  
8 care providers so that working parents have multiple  
9 high-quality child care options to choose from in  
10 making their own decisions regarding the child care  
11 and early education services that best suit their fam-  
12 ily’s needs; and

13 “(2) ensure child care facilities are designed  
14 and equipped to keep children healthy and safe and  
15 to enhance children’s physical, cognitive, and behav-  
16 ioral development.

17 “(b) QUALIFIED CHILD CARE PROVIDER.—In this  
18 section, the term ‘qualified child care provider’ means—

19 “(1) an eligible child care provider as defined in  
20 section 658A(8)(A) that is providing, or seeking to  
21 provide, child care services to children eligible for  
22 services under this subchapter; or

23 “(2) a child care provider that has applied  
24 under this subchapter to become an eligible child  
25 care provider as defined in section 658A(8)(A) and

1 that commits to provide child care services to chil-  
2 dren eligible for services under this subchapter.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
4 is authorized to be appropriated to carry out this section  
5 such sums as may be necessary for each of fiscal years  
6 2023 through 2025.

7 “(d) GRANTS AUTHORIZED; ALLOTMENTS.—

8 “(1) IN GENERAL.—From funds made available  
9 under subsection (c), the Secretary shall make  
10 grants to States, territories, Indian Tribes, and  
11 Tribal organizations to carry out the activities de-  
12 scribed in subsection (f).

13 “(2) RESERVATION.—The Secretary shall re-  
14 serve not more than 1 percent of the amount appro-  
15 priated under subsection (c) for a fiscal year to  
16 carry out this section to pay for the costs of the  
17 Federal administration of this section.

18 “(3) ALLOTMENTS.—From the amount appro-  
19 priated to carry out this section for a fiscal year  
20 that remains after the Secretary makes the reserva-  
21 tion under paragraph (2), the Secretary shall award  
22 to each lead agency with an approved plan under  
23 subsection (e), a child care supply and facilities  
24 grant in accordance with paragraphs (1) and (2) of  
25 subsection (a), and subsection (b), of section 6580,

1 for the grants authorized under paragraph (1). A  
2 grant made under this paragraph in accordance with  
3 paragraph (1) or (2) of that subsection shall be for  
4 the purpose of carrying out the program described  
5 in this section, consistent, to the extent practicable  
6 as determined by the Secretary, with the require-  
7 ments applicable to States.

8 “(e) STATE PLAN.—

9 “(1) IN GENERAL.—In order to receive a grant  
10 under this section, a State shall submit a plan to the  
11 Secretary, at such time and in such manner as the  
12 Secretary may reasonably require.

13 “(2) CONTENTS.—Each plan submitted by a  
14 State under this section shall include each of the fol-  
15 lowing:

16 “(A) A description of how the State will  
17 use funds received under this section for State-  
18 level activities under subsection (f)(1).

19 “(B) A description of how the State will  
20 ensure that qualified child care providers in  
21 urban, suburban, and rural areas can readily  
22 apply for and access funding under this section,  
23 which shall include providing technical assist-  
24 ance either directly or through a third party  
25 which may include a resource and referral agen-

1 cy or a staffed family child care provider net-  
2 work.

3 “(C) A description of how the State will  
4 determine the prioritization of subgrants to  
5 qualified child care providers in accordance with  
6 subsection (f)(5).

7 “(D) An assurance that the State will  
8 make available to the public, which shall in-  
9 clude, at a minimum, posting to an internet  
10 website of the lead agency—

11 “(i) a notice of funding availability  
12 through subgrants for qualified child care  
13 providers under this section; and

14 “(ii) the criteria for awarding sub-  
15 grants for qualified child care providers,  
16 including the methodology the lead agency  
17 will use to determine the amounts of such  
18 subgrants for qualified child care pro-  
19 viders.

20 “(f) STATE USE OF FUNDS.—

21 “(1) RESERVATION.—A lead agency that re-  
22 ceives a grant under subsection (d) shall reserve not  
23 more than 10 percent of the grant funds for State-  
24 level activities, consisting of administering subgrants

1 and providing technical assistance and support, for  
2 activities supported under this section.

3 “(2) SUBGRANTS.—The lead agency shall use  
4 the remainder of the grant funds awarded pursuant  
5 to subsection (d) to make subgrants as described in  
6 paragraphs (3) and (4).

7 “(3) STARTUP AND SUPPLY EXPANSION SUB-  
8 GRANTS.—

9 “(A) IN GENERAL.—The lead agency shall  
10 make startup and supply expansion subgrants  
11 to qualified child care providers that are pro-  
12 viding, or seeking to provide, child care services  
13 under this subchapter to eligible children, to—

14 “(i) support the providers in paying  
15 for startup and expansion costs;

16 “(ii) assist such providers in meet-  
17 ing—

18 “(I) the health and safety re-  
19 quirements (including the require-  
20 ments referred to in section  
21 658E(c)(2)(I)) of the State, territory,  
22 Indian Tribe, or local government in-  
23 volved, as the case may be;

24 “(II) licensing and other regu-  
25 latory standards of the State, terri-

1 tory, Indian Tribe, or local govern-  
2 ment involved, as the case may be, for  
3 child care providers; and

4 “(III) as applicable, the require-  
5 ments of a State’s tiered quality rat-  
6 ing system for child care providers;  
7 and

8 “(iii) establishing or expanding the  
9 operation of community- or neighborhood-  
10 based family child care networks.

11 “(B) REQUIREMENT.—As a condition of  
12 receiving a startup or supply expansion  
13 subgrant under this paragraph, a qualified child  
14 care provider shall commit to meeting the re-  
15 quirements for an eligible child care provider  
16 under this subchapter and to providing child  
17 care services under this subchapter to eligible  
18 children, on an ongoing basis.

19 “(4) FACILITIES SUBGRANTS.—

20 “(A) IN GENERAL.—The lead agency shall  
21 make facilities subgrants to qualified child care  
22 providers that are providing, or seeking to pro-  
23 vide, child care services under this subchapter  
24 to eligible children, for, notwithstanding section  
25 658F(b)—

1           “(i) remodeling, renovation, or repair  
2           of a building or facility used for providing  
3           direct child care services; and

4           “(ii) construction, permanent improve-  
5           ment, or major renovation of a building or  
6           facility used for providing direct child care  
7           services.

8           “(B) REQUIREMENT.—As a condition of  
9           receiving a facilities subgrant under this para-  
10          graph, a child care provider shall commit to  
11          meeting the requirements for an eligible child  
12          care provider under this subchapter and to pro-  
13          viding child care services under this subchapter  
14          to eligible children on an ongoing basis.

15          “(C) FEDERAL INTEREST.—

16          “(i) FAMILY CHILD CARE HOMES.—  
17          Federal law regarding a Federal interest in  
18          real property shall not apply to the renova-  
19          tion, remodeling, repair, or permanent im-  
20          provement of privately owned family child  
21          care homes with funds provided under this  
22          paragraph, and the Secretary shall develop  
23          parameters for the use of such funds for  
24          family child care homes.

1           “(ii) RETENTION.—If the Secretary  
2           retains a Federal interest in any facility  
3           constructed, renovated, remodeled, re-  
4           paired, or permanently improved with  
5           funds provided under this paragraph, the  
6           Secretary shall not retain the Federal in-  
7           terest for more than 10 years.

8           “(5) PRIORITY.—In awarding subgrants under  
9           paragraphs (3) and (4), the lead agency shall give  
10          priority to qualified child care providers providing or  
11          seeking to provide child care services to priority pop-  
12          ulations of children described in section  
13          658E(c)(2)(M).

14          “(g) SUPPLEMENT NOT SUPPLANT.—Amounts made  
15          available to carry out this section shall be used to supple-  
16          ment and not supplant other Federal, State, and local  
17          public funds expended to increase the supply of child care  
18          and to improve child care facilities.

19          “(h) DOCUMENTATION AND REPORTING REQUIRE-  
20          MENTS.—

21                 “(1) DOCUMENTATION.—A State receiving a  
22                 grant under subsection (d) shall provide documenta-  
23                 tion of any State expenditures from grant funds re-  
24                 ceived under subsection (d) in accordance with sec-



1       tion 658K(b), to the independent entity described in  
2       that section.

3           “(2) REPORTS.—

4           “(A) LEAD AGENCY REPORT.—A lead  
5       agency receiving a grant under subsection (d)  
6       shall, not later than 12 months after receiving  
7       such grant, submit a report to the Secretary  
8       that includes, for the State involved, a descrip-  
9       tion of each lead agency program of subgrants  
10      carried out to meet the objectives of this sec-  
11      tion, including—

12           “(i) the number of eligible child care  
13      providers in operation at the start of the  
14      grant period, and the number of such pro-  
15      viders 11 months later, disaggregated by  
16      age of children served, geographic region,  
17      and child care setting (including whether  
18      the provider was in a center-based or fam-  
19      ily child care setting);

20           “(ii) the number of child care slots, in  
21      the capacity of eligible child care providers  
22      given applicable group size limits and  
23      staff-to-child ratios, that were open for at-  
24      tendance of children at the start of the  
25      grant period and the number of such slots

1 11 months later, disaggregated by age of  
2 children served, geographic region, and  
3 child care setting (including whether the  
4 slot was in a center-based or family child  
5 care setting), and each priority population  
6 of children described in section  
7 658E(c)(2)(M);

8 “(iii)(I) the number and percentage of  
9 qualified child care providers that received  
10 a subgrant under subsection (f)(3),  
11 disaggregated by age of children served,  
12 geographic region, and child care setting  
13 (including whether the provider was in a  
14 center-based or family child care setting),  
15 and the average and range of the amounts  
16 of the subgrants awarded; and

17 “(II) the number and percentage of  
18 qualified child care providers that received  
19 a subgrant under subsection (f)(4),  
20 disaggregated by age of children served,  
21 geographic region, and child care setting  
22 (including whether the provider was in a  
23 center-based or family child care setting),  
24 and the average and range of the amounts  
25 of the subgrants awarded; and

1           “(iv) information concerning how  
2           qualified child care providers receiving sub-  
3           grants under subsection (f)(3) or (f)(4)  
4           used the subgrant funding received.

5           “(B) REPORT TO CONGRESS.—The Sec-  
6           retary shall transmit annually to the Committee  
7           on Education and Labor of the House of Rep-  
8           resentatives and the Committee on Health,  
9           Education, Labor, and Pensions of the Senate  
10          a report that provides national and State-level  
11          data for the information collected under sub-  
12          paragraph (A).

13          “(i) CONSTRUCTION.—No reference in part 1 to ‘this  
14          subchapter’ shall be considered to refer to a provision of  
15          this part.”.

16       **SEC. 12. DEPARTMENT OF AGRICULTURE LOAN RESTRIC-**  
17                               **TIONS.**

18          The Secretary of Agriculture shall revise section  
19          3555.102(c) of title 7, Code of Federal Regulations, to ex-  
20          clude a business that is licensed, regulated, or registered  
21          as a child care provider under State law.

○