

116TH CONGRESS
2D SESSION

S. 4688

To amend title IV of the Social Security Act to provide funding to sustain and increase the supply, quality, and affordability of child care, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

Mr. WYDEN (for himself, Mr. CASEY, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title IV of the Social Security Act to provide funding to sustain and increase the supply, quality, and affordability of child care, 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 “Rebuilding a Better
5 Child Care Infrastructure Act”.

1 **SEC. 2. INCREASED FUNDING FOR THE CHILD CARE ENTI-**
 2 **TLEMENT TO STATES.**

3 (a) FISCAL YEARS 2021 THROUGH 2025.—Section
 4 418(a)(3) of the Social Security Act (42 U.S.C. 618(a)(3))
 5 is amended to read as follows:

6 “(3) APPROPRIATION.—For grants under this
 7 subsection, there are appropriated \$5,917,000,000
 8 for each of fiscal years 2021 through 2025.”.

9 (b) PAYMENTS TO BENEFIT CHILDREN IN THE TER-
 10 RITORIES.—

11 (1) ELIGIBILITY.—Section 418(a) of such Act
 12 (42 U.S.C. 618(a)) is amended—

13 (A) by redesignating paragraph (5) as
 14 paragraph (8); and

15 (B) by inserting after paragraph (4), the
 16 following:

17 “(5) TERRITORIES.—

18 “(A) IN GENERAL.—Beginning with fiscal
 19 year 2021, the Secretary shall reserve 2 percent
 20 of the aggregate amount appropriated to carry
 21 out this subsection in each fiscal year for pay-
 22 ments to the Commonwealth of Puerto Rico,
 23 the United States Virgin Islands, Guam, Amer-
 24 ican Samoa, and the Commonwealth of the
 25 Northern Mariana Islands (in this paragraph
 26 referred to as the ‘territories’).

1 “(B) ALLOTMENTS.—The amount reserved
2 under subparagraph (A) for a fiscal year shall
3 be allotted among the territories in amounts
4 that bear the same proportion to the amount so
5 reserved as the amount of the payment made to
6 each such territory for the most recently pre-
7 ceding fiscal year to carry out the Child Care
8 and Development Block Grant Act of 1990
9 bears to the total amount paid to all such terri-
10 tories for such purpose for that fiscal year.

11 “(C) OTHER RULES.—

12 “(i) NO MATCHING REQUIREMENT.—
13 No cash or in-kind matching requirement
14 shall apply to the amounts provided to the
15 territories under this paragraph for any
16 fiscal year.

17 “(ii) REDISTRIBUTION OF UNUSED
18 FUNDS.—Subparagraph (D) of paragraph
19 (2) shall apply to the amounts allotted to
20 the territories under this paragraph for a
21 fiscal year in the same manner as that
22 subparagraph applies to amounts allotted
23 to the 50 States and the District of Co-
24 lumbia for a fiscal year under paragraph
25 (2)(B), except that, the second sentence of

1 clause (i) of such subparagraph shall not
2 apply and the amounts allotted to the ter-
3 ritories that are available for redistribution
4 for a fiscal year shall be redistributed to
5 each territory that applies for such
6 amounts, to the extent the Secretary deter-
7 mines that the territory will be able to use
8 such additional amounts to provide child
9 care assistance, in an amount that bears
10 the same proportion to the amount so
11 available for redistribution as the amount
12 allotted to the territory for the fiscal year
13 bears to the total amount allotted to all the
14 territories receiving redistributed funds
15 under this paragraph for the fiscal year.

16 “(iii) USE OF FUNDS; APPLICATION
17 OF CHILD CARE AND DEVELOPMENT
18 BLOCK GRANT ACT OF 1990.—Except as
19 provided in clause (iv), subsections (b) and
20 (c) apply to amounts provided to a terri-
21 tory under this paragraph for a fiscal year
22 in the same manner as such subsections
23 apply to amounts provided to a State
24 under this subsection for the fiscal year.

1 “(iv) EXCEPTION.—Paragraph (2) of
 2 subsection (b) shall not apply to the
 3 amounts provided to any territory under
 4 this paragraph for any fiscal year.”.

5 (2) DISREGARD FROM LIMITATION ON TOTAL
 6 PAYMENTS TO TERRITORIES.—Section 1108(a)(2) of
 7 the Social Security Act (42 U.S.C. 1308(a)(2)) is
 8 amended by inserting “418(a)(5),” after “413(f)”.

9 (c) PAYMENTS TO BENEFIT INDIAN CHILDREN.—
 10 Paragraph (4) of section 418(a) of such Act (42 U.S.C.
 11 618(a)(4)) is amended to read as follows:

12 “(4) INDIAN TRIBES.—

13 “(A) IN GENERAL.—The Secretary shall
 14 reserve not less than 3 percent of the aggregate
 15 amount appropriated to carry out this sub-
 16 section in each fiscal year for payments to In-
 17 dian tribes and tribal organizations.

18 “(B) REDISTRIBUTION OF UNUSED
 19 FUNDS.—The Secretary shall determine an ap-
 20 propriate procedure for redistributing payments
 21 made to Indian tribes and tribal organizations
 22 under this paragraph for a fiscal year which the
 23 Secretary determines will not be used during
 24 the period in which such payments are available
 25 to be obligated to each Indian tribe and tribal

1 organization that applies for such amounts, to
2 the extent the Secretary determines that the In-
3 dian tribe or tribal organization will be able to
4 use such additional amounts to provide child
5 care assistance.”.

6 (d) RESERVATION OF FUNDS FOR TECHNICAL AS-
7 SISTANCE AND EVALUATION.—Section 418(a) of such Act
8 (42 U.S.C. 618(a)), as amended by subsection (b)(1), is
9 amended by inserting after paragraph (5), the following:

10 “(6) TECHNICAL ASSISTANCE.—Beginning with
11 fiscal year 2021, the Secretary shall reserve up to $\frac{1}{2}$
12 of 1 percent of the aggregate amount appropriated
13 to carry out this subsection in each fiscal year to
14 support technical assistance and dissemination ac-
15 tivities under paragraphs (3) and (4) of section
16 658I(a) of the Child Care and Development Block
17 Grant Act of 1990.

18 “(7) RESEARCH, DEMONSTRATION, AND EVAL-
19 UATION.—Beginning with fiscal year 2021, the Sec-
20 retary may reserve $\frac{1}{2}$ of 1 percent of the of the ag-
21 gregate amount appropriated to carry out this sub-
22 section in each fiscal year to conduct research and
23 demonstration activities, as well as periodic external,
24 independent evaluations of the impact of the Child
25 Care and Development Block Grant program estab-

1 lished under subchapter C of chapter 8 of title VI
 2 of the Omnibus Budget Reconciliation Act of 1981
 3 (Public Law 97–35), as carried out under this sub-
 4 section and under such subchapter, on increasing ac-
 5 cess to child care services and improving the safety
 6 and quality of child care services, using scientifically
 7 valid research methodologies, and to disseminate the
 8 key findings of those evaluations widely and on a
 9 timely basis.”.

10 (e) REMOVAL OF RESTRICTION ON APPLICATION OF
 11 UPDATED FMAP.—Section 418(a)(2)(C) of such Act (42
 12 U.S.C. 618(a)(2)(C)) is amended by striking “, as such
 13 section was in effect on September 30, 1995”.

14 (f) TECHNICAL AND CONFORMING AMENDMENTS.—
 15 Section 418(a) of such Act (42 U.S.C. 618(a)) is amend-
 16 ed—

17 (1) in paragraph (2)(A), by striking “reserva-
 18 tion described in paragraph (4)” and inserting “res-
 19 ervations described in paragraphs (4), (5), (6), and
 20 (7)”; and

21 (2) in paragraph (8), (as redesignated by sub-
 22 section (b)(1)(A)), by inserting “(as in effect before
 23 June 30, 2003)” after “section 403(a)(1)(D)”.

1 **SEC. 3. PANDEMIC CHILD CARE ASSISTANCE GRANTS.**

2 (a) IN GENERAL.—Section 418 of the Social Security
3 Act (42 U.S.C. 618) is amended by adding at the end the
4 following:

5 “(e) PANDEMIC CHILD CARE ASSISTANCE
6 GRANTS.—

7 “(1) IN GENERAL.—Except as otherwise pro-
8 vided in this subsection, the preceding provisions of
9 this section shall not apply to this subsection.

10 “(2) APPROPRIATIONS.—

11 “(A) GRANTS.—For pandemic child care
12 assistance grants under this subsection, there
13 are appropriated \$10,000,000,000 for fiscal
14 year 2021.

15 “(B) ADMINISTRATIVE EXPENSES; TECH-
16 NICAL ASSISTANCE.—For administrative ex-
17 penses of the Secretary in administering this
18 subsection, and for providing technical assist-
19 ance to States and Indian tribes and tribal or-
20 ganizations with respect to the pandemic child
21 care assistance grants authorized under this
22 subsection, there are appropriated \$50,000,000
23 for the period of fiscal years 2021 through
24 2022.

25 “(3) ENTITLEMENT TO GRANTS.—

1 “(A) IN GENERAL.—Each State and each
2 Indian tribe and tribal organization that re-
3 ceived a payment under subsection (a)(4) for
4 fiscal year 2021, shall be entitled to be paid a
5 pandemic child care assistance grant under this
6 subsection for fiscal year 2021 from the amount
7 appropriated under paragraph (2) for fiscal
8 year 2021.

9 “(B) ALLOTMENTS.—From the amount
10 appropriated under paragraph (2) for fiscal
11 year 2021, the Secretary shall make the fol-
12 lowing allotments:

13 “(i) INDIAN TRIBES.—An amount
14 equal to 2 percent of the amount so appro-
15 priated shall be reserved to pay pandemic
16 child care assistance grants for fiscal year
17 2021 under this subsection to Indian tribes
18 and tribal organizations that received a
19 payment under subsection (a)(4) for fiscal
20 year 2021 in amounts that bear the same
21 proportion to the amount so reserved as
22 the amount of the payment made to each
23 such Indian tribe and tribal organization
24 under subsection (a)(4) for fiscal year
25 2021 bears to the total amount reserved

1 for such payments under subsection (a)(4)
2 for fiscal year 2021.

3 “(ii) TERRITORIES.—An amount
4 equal to 2 percent of the amount so appro-
5 priated shall be reserved to pay pandemic
6 child care assistance grants for fiscal year
7 2021 under this subsection to each State
8 that is a territory specified in paragraph
9 (7)(G)(ii) in amounts that bear the same
10 proportion to the amount so reserved as
11 the amount of the payment made to the
12 territory under subsection (a)(5) for fiscal
13 year 2021 bears to the total amount re-
14 served for such payments under subsection
15 (a)(5) for fiscal year 2021.

16 “(iii) 50 STATES AND THE DISTRICT
17 OF COLUMBIA.—The amount appropriated
18 under paragraph (2) that remains after the
19 application of clauses (i) and (ii) shall be
20 used to pay pandemic child care assistance
21 grants for fiscal year 2021 under this sub-
22 section to each State that is one of the 50
23 States or the District of Columbia in
24 amounts that bears the same proportion to
25 the amount so remaining as the amount of

1 the allotment determined for the State or
2 District under subsection (a)(2)(B) for fis-
3 cal year 2021 bears to the total amount
4 available for such allotments under sub-
5 section (a)(2)(A) for fiscal year 2021.

6 “(4) OTHER FUNDING AND PAYMENT RULES.—

7 “(A) PAYMENT DEADLINE.—The Secretary
8 shall make quarterly payments to each State,
9 Indian tribe, and tribal organization from the
10 pandemic child care assistance grants deter-
11 mined for the State, Indian tribe, or tribal or-
12 ganization under paragraph (3)(B) for fiscal
13 year 2021.

14 “(B) NO MATCHING REQUIREMENT.—Nei-
15 ther subparagraph (C) of subsection (a)(2) nor
16 any other cash or in-kind matching requirement
17 shall apply to the pandemic child care assist-
18 ance grants paid under this subsection.

19 “(C) MAINTENANCE OF EFFORT.—Funds
20 from a pandemic child care assistance grant
21 paid under this subsection must be used to sup-
22 plement, not supplant State and Tribal general
23 revenue funds for child care assistance for low-
24 income families.

1 “(D) PERIOD FOR AVAILABILITY.—The pe-
2 riod in which the funds from a pandemic child
3 care assistance grant paid under this subsection
4 to a State, Indian tribe, or tribal organization
5 are available for expenditure is the same period
6 that would apply if the funds were considered
7 amounts allotted to one of the 50 States or the
8 District of Columbia under subsection (a)(2)(B)
9 for fiscal year 2021, payments made to a terri-
10 tory under subsection (a)(5) for such fiscal
11 year, or payments made to Indian tribes and
12 tribal organizations under subsection (a)(4) for
13 such fiscal year.

14 “(E) REDISTRIBUTION OF UNUSED
15 FUNDS.—The determination as to whether
16 funds from a pandemic child care assistance
17 grant paid to the lead agency of a State, Indian
18 tribe, or tribal organizations under this sub-
19 section will not be used during the period in
20 which such funds are available for expenditure,
21 and the procedure for redistributing all such
22 funds, shall be made in the same manner as
23 such determination and redistribution would be
24 made if the funds were considered amounts al-
25 lotted to one of the 50 States or the District of

1 Columbia under subsection (a)(2)(B) for fiscal
 2 year 2021, payments made to a territory under
 3 subsection (a)(5) for such fiscal year, or pay-
 4 ments made to Indian tribes and tribal organi-
 5 zations under subsection (a)(4) for such fiscal
 6 year.

7 “(5) USE OF FUNDS.—

8 “(A) IN GENERAL.—Subject to subpara-
 9 graphs (B) and (C), pandemic child care assist-
 10 ance grant funds may be used for any purpose
 11 for which funds made available under the head-
 12 ing relating to payments to States for the Child
 13 Care and Development Block Grant in title
 14 VIII of division B of the Coronavirus Aid, Re-
 15 lief, and Economic Security Act (Public Law
 16 116–136) may be used.

17 “(B) PRIORITY.—If a lead agency chooses
 18 to make subgrants from the pandemic child
 19 care assistance grant funds paid under this sub-
 20 section, the lead agency shall give priority to
 21 funding child care services that—

22 “(i) are provided during nontradi-
 23 tional hours;

24 “(ii) serve dual language learners,
 25 children with disabilities, children experi-

1 encing homelessness, children in foster
 2 care, children from low-income families, or
 3 infants and toddlers;

4 “(iii) serve a high proportion of chil-
 5 dren whose families are eligible for sub-
 6 sidies under the Child Care and Develop-
 7 ment Block Grant Act of 1990 for the
 8 child care; or

9 “(iv) operate in communities, includ-
 10 ing rural communities, with a low supply
 11 of child care.

12 “(C) OTHER PROVISIONS.—

13 “(i) ADMINISTRATION THROUGH THE
 14 CHILD CARE AND DEVELOPMENT BLOCK
 15 GRANT ACT OF 1990.—Except to the extent
 16 otherwise provided in this subsection, sub-
 17 section (c) shall apply to the pandemic
 18 child care assistance grants paid under
 19 this subsection in the same manner as that
 20 subsection applies to amounts paid under
 21 subsection (a).

22 “(ii) APPLICATION OF CARES ACT
 23 FUNDING REQUIREMENTS.—

24 “(I) IN GENERAL.—Except to the
 25 extent otherwise provided in this sub-

1 section, the requirements that apply
2 to the payments to States for the
3 Child Care and Development Block
4 Grant in title VIII of division B of the
5 Coronavirus Aid, Relief, and Eco-
6 nomic Security Act (Public Law 116–
7 136) shall apply in the same manner
8 to the pandemic child care assistance
9 grants paid under this subsection.

10 “(II) NONAPPLICATION OF OBLI-
11 GATION PERIOD.—The 3-fiscal year
12 period authorized for obligation of
13 payments to States for the Child Care
14 and Development Block Grant under
15 Public Law 116–136 shall not apply
16 to the pandemic child care assistance
17 grants paid under this subsection.

18 “(III) EXTENSION OF ELIGI-
19 BILITY AUTHORITY.—The lead agency
20 of a State, Indian tribe, and tribal or-
21 ganization is authorized to use pan-
22 demic child care assistance grant
23 funds to provide child care assistance
24 to any worker included in the defini-
25 tion of ‘essential worker’ under para-

graph (7)(D) without regard to the income eligibility requirements of section 658P(4) of the Child Care and Development Block Grant Act of 1990.

“(6) REPORTS.—

“(A) PLANNED USE OF FUNDS.—Not later than 90 days after the date of enactment of this subsection, the lead agency of each State, Indian tribe, and tribal organization to be paid a pandemic child care assistance grant under this subsection shall submit to the Secretary a report, in such manner as the Secretary may require, describing how the grant funds will be spent. Any State, Indian tribe, or tribal organization shall be held harmless in the event the lead agency of the State, Indian tribe, or tribal organization, despite good faith efforts, is unable to submit such report by such deadline.

“(B) FINAL REPORT.—Not later than December 31, 2022, the lead agency of each State, Indian tribe, and tribal organization paid a pandemic child care assistance grant under this subsection shall submit to the Secretary a final report, in such manner as the Secretary may

1 require, describing how the lead agency spent
 2 the pandemic child care assistance grant. Each
 3 such report shall include data—

4 “(i) specifying how the grant funds
 5 were spent to address needs in relation to
 6 the COVID–19 public health emergency;

7 “(ii) specifying the number and type
 8 of eligible child care providers assisted
 9 using grant funds; and

10 “(iii) specifying the average income
 11 level of the families assisted using grant
 12 funds.

13 “(C) SUBMISSION TO CONGRESS.—Not
 14 later than—

15 “(i) 180 days after the date of enact-
 16 ment of this subsection, the Secretary shall
 17 submit to the appropriate committees of
 18 Congress a report summarizing the reports
 19 submitted under subparagraph (A); and

20 “(ii) April 30, 2024, the Secretary
 21 shall submit to the appropriate committees
 22 of Congress a report summarizing the final
 23 reports submitted under subparagraph (B).

24 “(D) CONTINUED APPLICATION OF CCDBG
 25 REPORTING REQUIREMENTS.—The reports re-

1 quired under this paragraph are in addition to,
 2 and shall not affect, reporting requirements im-
 3 posed under the Child Care and Development
 4 Block Grant Act of 1990, including to the ex-
 5 tent information included in a report submitted
 6 under this paragraph also is required to be in-
 7 cluded in a report submitted under that Act, as
 8 appropriate.

9 “(E) PUBLIC AVAILABILITY.—Each lead
 10 agency submitting a report under this para-
 11 graph shall make each such report publicly
 12 available concurrent with the submission of the
 13 report to the Secretary (or as soon as prac-
 14 ticable after submitting the report).

15 “(7) DEFINITIONS.—In this subsection:

16 “(A) APPROPRIATE COMMITTEES OF CON-
 17 GRESS.—The term ‘appropriate committees of
 18 Congress’ means the Committee on Appropria-
 19 tions, the Committee on Ways and Means, and
 20 the Committee on Education and Labor of the
 21 House of Representatives and the Committee
 22 on Appropriations, the Committee on Finance,
 23 and the Committee on Health, Education,
 24 Labor, and Pensions of the Senate.

1 “(B) COVID–19 PUBLIC HEALTH EMER-
 2 GENCY.—The term ‘COVID–19 public health
 3 emergency’ means the public health emergency
 4 declared by the Secretary pursuant to section
 5 319 of the Public Health Service Act on Janu-
 6 ary 31, 2020, entitled ‘Determination that a
 7 Public Health Emergency Exists Nationwide as
 8 the Result of the 2019 Novel Coronavirus’ and
 9 includes any renewal of such declaration pursu-
 10 ant to such section 319 and any State or local
 11 governmental declaration of an emergency in
 12 response to the coronavirus (COVID–19).

13 “(C) ELIGIBLE CHILD CARE PROVIDER DE-
 14 FINED.—The term ‘eligible child care provider’
 15 has the meaning given that term in section
 16 658P(6) of the Child Care and Development
 17 Block Grant Act of 1990, and includes a pro-
 18 vider described in that section without regard to
 19 whether the provider received assistance under
 20 that Act prior to the COVID–19 public health
 21 emergency as a result of the coronavirus.

22 “(D) ESSENTIAL WORKER DEFINED.—The
 23 term ‘essential worker’ means—

24 “(i) a health sector employee;

25 “(ii) an emergency responder;

1 “(iii) a sanitation worker;

2 “(iv) a member of the child care work-
3 force;

4 “(v) a member of the child welfare
5 workforce;

6 “(vi) a member of the domestic vio-
7 lence prevention workforce;

8 “(vii) a member of the prevention
9 services workforce;

10 “(viii) a worker at a business which a
11 State or local government official has de-
12 termined must remain open to serve the
13 public during the COVID–19 public health
14 emergency; and

15 “(ix) any other worker who cannot
16 telework, and whom a State or local gov-
17 ernment official deems to be essential dur-
18 ing the COVID–19 public health emer-
19 gency.

20 “(E) INDIAN TRIBE; TRIBAL ORGANIZA-
21 TION.—The terms ‘Indian tribe’ and ‘tribal or-
22 ganization’ have the meanings given those
23 terms in section 419(4).

24 “(F) LEAD AGENCY.—The term ‘lead
25 agency’ has the meaning given that term in sec-

tion 658P(9) of the Child Care and Development Block Grant Act of 1990.

“(G) STATE.—

“(i) IN GENERAL.—The term ‘State’ means the 50 States and the District of Columbia.

“(ii) TERRITORIES.—Such term includes the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”.

(b) DISREGARD FROM LIMITATION ON TOTAL PAYMENTS TO TERRITORIES.—Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)), as amended by section 2(b)(2), is amended by inserting “418(e),” after “418(a)(5),”.

SEC. 4. GRANTS TO IMPROVE THE CHILD CARE SUPPLY, QUALITY, AND AFFORDABILITY IN AREAS OF PARTICULAR NEED.

(a) IN GENERAL.—Section 418 of the Social Security Act (42 U.S.C. 618), as amended by section 3(a), is amended by adding at the end the following:

“(f) GRANTS TO IMPROVE THE CHILD CARE SUPPLY, QUALITY, AND AFFORDABILITY IN AREAS OF PARTICULAR NEED.—

1 “(1) IN GENERAL.—Except as otherwise pro-
 2 vided in this subsection, the preceding provisions of
 3 this section shall not apply to this subsection.

4 “(2) APPROPRIATIONS.—

5 “(A) IN GENERAL.—For grants under this
 6 subsection to improve the supply, quality, and
 7 affordability of child care in areas of particular
 8 need, there are appropriated \$15,000,000,000
 9 for fiscal year 2022.

10 “(B) RESERVATIONS.—Of the amount ap-
 11 propriated under subparagraph (A) for fiscal
 12 year 2022, the Secretary shall reserve—

13 “(i) up to $\frac{1}{2}$ of 1 percent of such
 14 amount to support technical assistance and
 15 dissemination activities related to improv-
 16 ing the supply, quality, and affordability of
 17 child care, including in areas of particular
 18 need, under paragraphs (3) and (4), re-
 19 spectively, of section 658I(a) of the Child
 20 Care and Development Block Grant Act of
 21 1990; and

22 “(ii) $\frac{1}{2}$ of 1 percent of such amount
 23 to carry out the evaluation required under
 24 paragraph (8).

1 “(C) ADMINISTRATIVE EXPENSES; TECH-
2 NICAL ASSISTANCE.—For administrative ex-
3 penses of the Secretary in administering this
4 subsection, and for providing technical assist-
5 ance to States and Indian tribes and tribal or-
6 ganizations with respect to the grants author-
7 ized under this subsection, there are appro-
8 priated \$75,000,000 for the period of fiscal
9 years 2021 through 2026.

10 “(3) ENTITLEMENT TO GRANTS.—

11 “(A) IN GENERAL.—Each State with an
12 approved planned use of grants funds under
13 paragraph (4), and each Indian tribe and tribal
14 organization that received a payment under
15 subsection (a)(4) for fiscal year 2022 with an
16 approved planned use of grant funds under
17 paragraph (4), shall be entitled to be paid a
18 grant under this subsection for fiscal year 2022
19 from the amount appropriated under subpara-
20 graph (A) of paragraph (2) for fiscal year 2022
21 that remains available after application of the
22 reservations made for the fiscal year under sub-
23 paragraph (B) of that paragraph.

24 “(B) INDIAN TRIBES.—The Secretary shall
25 reserve an amount equal to 2 percent of the

1 amount so remaining to pay grants for fiscal
2 year 2022 under this subsection to Indian
3 tribes and tribal organizations that received a
4 payment under subsection (a)(4) for fiscal year
5 2022, in amounts that bear the same propor-
6 tion to the amount so reserved as the amount
7 of the payment made to each such Indian tribe
8 and tribal organization under subsection (a)(4)
9 for fiscal year 2022 bears to the total amount
10 paid under that subsection for such fiscal year.

11 “(C) TERRITORIES.—The Secretary shall
12 reserve an amount equal to 2 percent of the
13 amount so remaining to pay grants for fiscal
14 year 2022 under this subsection to each State
15 that is a territory specified in subsection
16 (e)(7)(G)(ii) in amounts that bear the same
17 proportion to the amount so reserved as the
18 amount of the payment made to each such ter-
19 ritory under subsection (e)(3)(B)(ii) for fiscal
20 year 2022 bears to the total amount paid to all
21 such territories under that subsection for such
22 fiscal year.

23 “(D) 50 STATES AND THE DISTRICT OF
24 COLUMBIA.—The Secretary shall use the
25 amount that remains after the application of

1 subparagraphs (B) and (C) to pay grants for
2 fiscal year 2022 under this subsection to each
3 of the 50 States and the District of Columbia
4 in amounts that bear the same proportion to
5 the amount so remaining as the amount of the
6 payment made to each such State and District
7 under subsection (e)(3)(B)(iii) for fiscal year
8 2022 bears to the total amount paid to all of
9 the 50 States and the District of Columbia
10 under that subsection for such fiscal year.

11 “(4) INCORPORATION INTO CCDBG PLAN.—

12 “(A) CONTENTS.—In order to be paid a
13 grant under this subsection for fiscal year
14 2022, the lead agency of a State, Indian tribe,
15 or tribal organization shall submit to the Sec-
16 retary, as part of the initial submission of the
17 Child Care and Development Block Grant plan
18 for the period that includes fiscal year 2022, or
19 as an amendment to that plan, a description of
20 the planned use of grant funds that—

21 “(i) describes the demographic, eco-
22 nomic, and other data and criteria the lead
23 agency proposes to use to determine
24 whether an area is in particular need of
25 child care;

1 “(ii) identifies specific areas deter-
2 mined to be in particular need of child
3 care, where such areas are located, the size
4 and scope of such areas, and the age
5 groups of children in need of child care in
6 such areas;

7 “(iii) outlines how the lead agency
8 proposes to use the grant funds to increase
9 the child care supply, quality, and afford-
10 ability for all families, including families
11 who are eligible for subsidies under the
12 Child Care and Development Block Grant
13 Act of 1990, in the areas determined to be
14 in particular need of child care through ac-
15 tivities such as—

16 “(I) contracting with child care
17 providers to pay for specified numbers
18 of child care slots (including slots in
19 family child care homes);

20 “(II) establishing or expanding
21 the operation of community or neigh-
22 borhood-based family child care net-
23 work;

24 “(III) furnishing child care pro-
25 viders with start-up funding, technical

1 assistance, and support for improving
2 business practices;

3 “(IV) recruiting child care pro-
4 viders and staff;

5 “(V) supporting the training and
6 professional development of the child
7 care workforce;

8 “(VI) establishing or increasing
9 payment rates based on cost of care
10 model; or

11 “(VII) subject to subparagraph
12 (C), providing financial support (with-
13 out regard to limitations on expendi-
14 tures imposed under section 658F(b)
15 of the Child Care and Development
16 Block Grant Act of 1990) for projects
17 involving the purchase or improve-
18 ment of land, a major renovation,
19 repurposing facilities, the purchase,
20 construction, or permanent improve-
21 ment of any building or facility, in-
22 cluding minor remodeling and for up-
23 grading child care facilities to assure
24 that providers meet State and local
25 child care standards, including appli-

1 cable health and safety requirements;
2 and

3 “(iv) contains such other information
4 as the Secretary may require.

5 “(B) APPROVAL.—The Secretary shall ap-
6 prove a description of the planned use of grant
7 funds that contains the information required
8 under subparagraph (A), and, with respect to
9 the proposed criteria required under subpara-
10 graph (A)(i), shall accept any reasonable cri-
11 teria that are based on internal analyses or
12 analyses by organizations with experience in
13 evaluating research on various approaches to
14 identifying areas in particular need of child
15 care.

16 “(C) SPECIAL RULES.—

17 “(i) IN GENERAL.—The Secretary
18 shall develop parameters on the use of
19 funds from an allotment paid under this
20 subsection for projects described in sub-
21 paragraph (A)(iii)(VII).

22 “(ii) REQUIREMENT.—The param-
23 eters developed under clause (i) shall pro-
24 vide that, in the case of funds from an al-
25 lotment paid under this subsection that are

1 used for projects described in subpara-
2 graph (A)(iii)(VII)—

3 “(I) for such projects involving a
4 privately owned family child care
5 home, the Secretary shall not retain
6 any Federal interest; and

7 “(II) for all other such projects,
8 the Secretary shall not retain a Fed-
9 eral interest after a period of 10
10 years.

11 “(5) OTHER FUNDING AND PAYMENT RULES.—

12 “(A) APPROVAL AND PAYMENT DEAD-
13 LINE.—The Secretary shall make quarterly pay-
14 ments to the lead agency of each State, Indian
15 tribe, and tribal organization with a planned
16 use of funds submission approved under para-
17 graph (4) from the grant determined for the
18 State, Indian tribe, or tribal organization under
19 paragraph (3) for fiscal year 2022.

20 “(B) NO MATCHING REQUIREMENT.—Nei-
21 ther subparagraph (C) of subsection (a)(2) nor
22 any other cash or in-kind matching requirement
23 shall apply to the grants paid under this sub-
24 section.

1 “(C) MAINTENANCE OF EFFORT.—Funds
 2 from a grant paid under this subsection must
 3 be used to supplement, not supplant State and
 4 Tribal general revenue funds for child care as-
 5 sistance for low-income families.

6 “(D) PERIOD FOR AVAILABILITY.—

7 “(i) IN GENERAL.—Except as pro-
 8 vided in clause (ii), the period in which the
 9 funds from grants paid under this sub-
 10 section to a State, Indian tribe, or tribal
 11 organization are available for expenditure
 12 is the same period that would apply if the
 13 funds were considered amounts allotted to
 14 one of the 50 States or the District of Co-
 15 lumbia under subsection (a)(2)(B) for fis-
 16 cal year 2022, payments made to a terri-
 17 tory under subsection (a)(5) for such fiscal
 18 year, or payments made to Indian tribes
 19 and tribal organizations under subsection
 20 (a)(4) for such fiscal year.

21 “(ii) EXTENSION OF AVAILABILITY OF
 22 FUNDS USED FOR CERTAIN PROJECTS.—If
 23 funds from a grant paid under this sub-
 24 section are used to provide financial sup-
 25 port for a project described in paragraph

(4)(A)(iii)(VII), the funds shall remain available for expenditure by the lead agency of a State, Indian tribe, or tribal organization through September 30, 2026.

“(E) REDISTRIBUTION OF UNUSED FUNDS.—Subject to subparagraph (D)(ii), the determination as to whether funds from a grant paid to the lead agency of a State, Indian tribe, or tribal organizations under this subsection will not be used during the period in which such funds are available for expenditure, and the procedure for redistributing all such funds, shall be made in the same manner as such determination and redistribution would be made if the funds were considered amounts allotted to one of the 50 States or the District of Columbia under subsection (a)(2)(B) for fiscal year 2022, payments made to a territory under subsection (a)(5) for such fiscal year, or payments made to Indian tribes and tribal organizations under subsection (a)(4) for such fiscal year.

“(6) USE OF FUNDS.—

“(A) IN GENERAL.—To the extent permitted under section 658G(b) of the Child Care and Development Block Grant Act of 1990 and

the approved planned use of funds submission of the lead agency of a State, Indian tribe, or tribal organization under paragraph (4), each such lead agency shall use funds from a grant paid under this subsection to increase the supply, quality, and affordability of child care in areas determined to be in particular need of child care (with activities provided directly, or through grants or contracts with local child care resource and referral organizations or other appropriate entities). Activities carried out with such funds shall be—

“(i) designed to improve the quality of child care services and increase parental options for, and access to, high-quality child care, especially in areas of concentrated poverty; and

“(ii) in alignment with the most recent Statewide assessment of the State’s needs to carry out such services and care.

“(B) PRIORITY.—If a lead agency chooses to make subgrants from the funds paid under this subsection, each such lead agency shall give priority to funding child care services that—

1 “(i) are provided during nontradi-
2 tional hours;

3 “(ii) serve dual language learners,
4 children with disabilities, children experi-
5 encing homelessness, children in foster
6 care, children from low-income families, or
7 infants and toddlers;

8 “(iii) serve a high proportion of chil-
9 dren whose families are eligible for sub-
10 sidies under the Child Care and Develop-
11 ment Block Grant Act of 1990 for the
12 child care; or

13 “(iv) operate in communities, includ-
14 ing rural communities, with a low supply
15 of child care.

16 “(C) ADMINISTRATIVE COSTS.—Fund from
17 a grant paid under this subsection may be used
18 for administrative costs, not to exceed—

19 “(i) 5 percent of such funds in the
20 case of a grant paid to the lead agency of
21 a State; and

22 “(ii) 15 percent of such funds in the
23 case of a grant paid to the lead agency of
24 an Indian tribe or tribal organization.

1 “(D) ADMINISTRATION THROUGH THE
2 CHILD CARE AND DEVELOPMENT BLOCK GRANT
3 ACT OF 1990.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in clause (ii) or to the extent other-
6 wise provided in this subsection, subsection
7 (c) shall apply to the grants paid under
8 this subsection in the same manner as that
9 subsection applies to amounts paid under
10 subsection (a).

11 “(ii) NONAPPLICATION OF CERTAIN
12 USE OF FUNDS REQUIREMENTS.—The re-
13 quirements of subparagraphs (D) and (E)
14 of section 658E(c)(3) of the Child Care
15 and Development Block Grant Act of 1990
16 shall not apply to the grants paid under
17 this subsection.

18 “(7) REPORTS.—

19 “(A) IN GENERAL.—The lead agency of
20 each State, Indian tribe, and tribal organization
21 paid a grant under this subsection shall submit
22 to the Secretary a final report, in such manner
23 as the Secretary may require, describing how
24 the lead agency spent the grant. The report

1 shall be submitted not later than December 31,
2 2024.

3 “(B) CONTENT.—The report shall include
4 data that—

5 “(i) describes the impact of such ex-
6 penditures on the supply of child care in
7 the areas determined to be in particular
8 need of child care by the lead agency, in-
9 cluding with respect to the pre-grant
10 award and post-grant award assessment of
11 the number of Child Care and Develop-
12 ment Block Grant-eligible child care slots
13 available in such areas and the pre-grant
14 award and post-grant award assessment of
15 the number of regulated and unregulated
16 or exempt care providers in such areas;

17 “(ii) details whether funds were used
18 for projects described in paragraph
19 (4)(A)(iii)(VII) and the status of such
20 projects, including if they are ongoing at
21 the time of reporting; and

22 “(iii) to the extent lead agencies at
23 their discretion have such data available,
24 describes the impact of such expenditures
25 on the supply, quality, and affordability of

1 child care in the areas determined to be in
 2 particular need of child care by the lead
 3 agency, and on the extent to which areas
 4 in which such funds were used experienced
 5 outcomes that reduced the conditions in
 6 such areas which factored into such deter-
 7 mination.

8 “(C) SUBMISSION TO CONGRESS.—Not
 9 later than April 30, 2025, the Secretary shall
 10 submit to the appropriate committees of Con-
 11 gress a report summarizing the reports sub-
 12 mitted under subparagraph (A).

13 “(D) CONTINUED APPLICATION OF CCDBG
 14 REPORTING REQUIREMENTS.—The reports re-
 15 quired under this paragraph are in addition to,
 16 and shall not affect, reporting requirements im-
 17 posed under the Child Care and Development
 18 Block Grant Act of 1990, including to the ex-
 19 tent information included in a report submitted
 20 under this paragraph also is required to be in-
 21 cluded in a report submitted under that Act.

22 “(8) EVALUATION.—

23 “(A) IN GENERAL.—From a geographically
 24 diverse selection of the lead agencies paid a
 25 grant under this subsection that includes rep-

1 resentation of States, territories specified in
2 subsection (e)(7)(G)(ii), and Indian tribes and
3 tribal organizations, the Secretary shall evalu-
4 ate the impact of the activities carried out by
5 such lead agencies with respect to improving
6 the supply, quality, and affordability of child
7 care in the areas determined to be in particular
8 need of child care by such lead agencies.

9 “(B) QUALITY ASSESSMENT.—In evalu-
10 ating the extent to which there are improve-
11 ments in the quality of child care in the areas
12 determined to be in particular need of child
13 care, the Secretary shall focus on at least five
14 of the following areas:

15 “(i) Ratios of staff to children.

16 “(ii) Age-appropriate curriculum.

17 “(iii) Approaches to instruction.

18 “(iv) Relationship quality between
19 children and staff.

20 “(v) Children’s learning and develop-
21 ment.

22 “(vi) Physical environment quality
23 and ability to protect children and staff
24 from illness and injury.

1 “(vii) Credentials, experience and spe-
2 cialized training of staff.

3 “(viii) Opportunities for staff profes-
4 sional development.

5 “(ix) Ability to foster relationships
6 with families and communities.

7 “(x) Leadership and management ca-
8 pacity.

9 “(xi) Creating a stable work environ-
10 ment for staff retention.

11 “(C) REPORT.—Not later than September
12 30, 2025, the Secretary shall a report to Con-
13 gress on the results of the evaluation conducted
14 under this paragraph.

15 “(9) DEFINITIONS.—In this subsection, the
16 terms ‘appropriate committees of Congress’, ‘Indian
17 tribe’, ‘lead agency’, ‘tribal organization’, and ‘State’
18 have the meanings given those terms in subsection
19 (e)(7).”.

20 (b) DISREGARD FROM LIMITATION ON TOTAL PAY-
21 MENTS TO TERRITORIES.—Section 1108(a)(2) of the So-
22 cial Security Act (42 U.S.C. 1308(a)(2)), as amended by
23 section 3(b), is amended by inserting “418(f),” after
24 “418(e),”.

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