H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. Owens introduced the following bill; which was referred to the Committee on ____________________

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Care and Development Block Grant Reauthorization Act of 2022”.
SEC. 2. PURPOSES.

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

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

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

“(1) to allow each State maximum flexibility in developing a mixed delivery system to provide child care that best suits the needs of children and working parents within that State;

“(2) to promote parental choice to empower working parents to make their own decisions regarding the child care services that best suit their family’s needs;

“(3) to encourage States to provide consumer education information to help parents make informed choices about child care services and to promote involvement by parents and family members in the development of their children in child care settings;

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

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

“(6) to assist States—

“(A) in helping parents access high-quality child care; and

“(B) in supporting child care providers in the recruitment of, professional development for, and retention of a qualified child care workforce; and

“(7) to increase the number and percentage of low-income children in high-quality child care settings.”.

SEC. 3. DEFINITIONS.

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

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

(2) by inserting after paragraph (1) the following:

“(2) CHILD CARE.—The term ‘child care’ includes preschool, prekindergarten, and early childhood education for children from birth through age 5, and before school, after school, and summer care for school-age children.”;

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

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

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

(C) by striking subparagraph (D);

(4) by striking paragraph (6), as so redesignated, and inserting the following:

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

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

“(B) self-employment;

“(C) job search activities;

“(D) job training;

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

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

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

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

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

“(J) a work activity described in sub-
section (d) of section 407 of the Social Security
Act (42 U.S.C. 607) for which, consistent with
clauses (ii) and (iii) of section 402(a)(1)(A) of
such Act (42 U.S.C. 602(a)(1)(A)), a parent is
treated as being engaged in work for a month in a fiscal year for purposes of the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

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

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

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

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

“(II) in the case of a State that has determined it is necessary to serve additional children, after ensuring that all eligible children described in subclause (I) have had an appropriate opportunity to receive services under this subchapter, whose family income does not exceed a State limit that is not more than 150
7 percent of the State median income for a family
of the same size; and
“(ii) whose family assets do not exceed
$1,000,000, excluding any asset used for the
family’s farm for such family; and
“(C) who—
“(i) resides with a parent or parents
who are participating in an eligible activ-
ity;
“(ii) is a child experiencing homeles-
ness, a child in kinship care, or a child who
is receiving, or needs to receive, child pro-
tective services; or
“(iii) resides with a parent who is
more than 65 years of age.”;
(5) in paragraph (8), as so redesignated—
(A) in subparagraph (A), by striking “or”
at the end;
(B) in subparagraph (B)—
(i) by inserting “the child (if the
spouse of such provider is engaged in an
eligible activity),” after “decrees,”; and
(ii) by striking the period at the end
and inserting “; or”; and
(C) by adding at the end the following:
“(C) notwithstanding section 645(a)(1)(B) of the Head Start Act (42 U.S.C. 9840(a)(1)(B)), a Head Start agency.”;

(6) by striking paragraph (9), as so redesignated, and inserting the following:

“(9) FAMILY CHILD CARE PROVIDER.—The term ‘family child care provider’ means an individual who provides child care services in a private residence—

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

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

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

(7) in paragraph (11), as so redesignated, by striking “(11)” and all that follows through “meaning” and inserting the following:

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

(8) by inserting after paragraph (12), as so redesignated, the following:
“(13) MIXED DELIVERY SYSTEM.—The term ‘mixed delivery system’ means a system of child care services that—

“(A) promotes parental choice to empower working parents to make their own decisions regarding the child care services that best suit their family’s needs; and

“(B) delivers services through a combination of programs offered by eligible child care providers (including faith-based and community-based child care providers) in a variety of settings (including family child care homes, child care centers, Head Start centers, and public and private schools).”; and

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

“(19) TRIBAL ORGANIZATION; TRIBAL ORGANIZATION.—

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

(b) REDESIGNATION.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) is amended—
(1) by redesignating section 658P as section 658A; and

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

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

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

“SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this subchapter (other than section 658T) $6,165,330,000 for each of the fiscal years 2023 through 2027.”.

SEC. 5. LEAD AGENCY.

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

“(2) DEVELOPMENT OF PLAN.—The lead agency shall develop the State plan described in paragraph (1)(B) in meaningful consultation with—

“(A) parents of children eligible for services under this subchapter, which shall include parents of children in a priority population described in section 658E(e)(2)(M);
“(B) eligible child care providers that represent the various geographic areas and types of providers in the State;

“(C) employers of various sizes and with various hours and days of operations whose employees rely on reliable and accessible child care to work; and

“(D) appropriate representatives of units of general purpose local government and, as appropriate, of Indian Tribes and Tribal organizations, except that States that have 5 or more federally recognized Tribes shall consult with Tribal leadership on how to best serve Native American and Alaska Native children and families residing on lands outside the tribal service areas.”.

SEC. 6. APPLICATION AND PLAN.

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

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

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)—
(I) in subclause (I), by striking “a child” and inserting “an eligible child”; and

(II) in subclause (II), by striking “section 658P(2)” and inserting “section 658A(3)”;

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

(iii) in subparagraph (E)(i)—

(I) in the matter preceding subclause (I) by striking “information” and all that follows through “concerning—” and inserting “information about the availability of child care services as offered through a mixed delivery system that will promote informed child care choices and that concerns—”;

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

(III) in subclause (II), by inserting before the semicolon the following:
“or a national accrediting body with demonstrated, valid, and reliable program standards for high quality”; and

(IV) in subclause (IV)—

(aa) by striking “and” before “the Medicaid”; and

(bb) by inserting before the semicolon the following: “, and the Maternal, Infant, and Early Childhood Home Visiting Programs under section 511 of the Social Security Act (42 U.S.C. 711)”;

(iv) in subparagraph (G)—

(I) in the subparagraph heading, by striking “TRAINING AND PROFESSIONAL” and inserting “PROFESSIONAL”;

(II) in clause (i) and clause (ii) (in the matter preceding subclause (I)), by striking “training and” before “professional development”;

(III) in clause (ii)(II), by striking “, and may engage” and all that fol-
lows through “training framework”;
and
(IV) in clause (iii), by striking “training” and inserting “professional development”;
(v) in subparagraph (I)(i)—
(I) in subclause (VII)—
(aa) by striking “for emergencies” and inserting the following: “for—
“(aa) emergencies” ;
(bb) by striking the semi-colon at the end and inserting “; and”;
and
(cc) by adding at the end the following:
“(bb) a public health emergency pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d);”;
and
(II) in subclause (IX), by striking “if applicable,”;
(vi) in subparagraph (J)—
(I) by striking “that procedures” and inserting the following: “that—
“(i) procedures’’;

(II) by striking the period at the end and inserting ‘‘; and’’; and

(III) by adding at the end the following:

“(ii) the State will undertake a review of State and local health and safety requirements (including requirements for inspections under this subchapter and the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766)) to determine redundancies that may be eliminated and oversights be addressed, to ensure—

“(I) children receive child care services in healthy and safe environments; and

“(II) child care providers can easily identify, understand, and comply with applicable health and safety requirements without redundant compliance visits or other unnecessary burden.’’;

(vii) in subparagraph (K)(i)—
(I) in the matter preceding subclause (I), by striking “, not later” and all that follows through “2014,”; and

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

(viii) in subparagraph (M)—

(I) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively; and

(II) by striking clause (i) and inserting the following:

“(i) children in underserved areas, including areas that have significant concentrations of poverty and unemployment and that do not have a high-quality supply of eligible child care providers;

“(ii) children in rural areas;”; and

(ix) in subparagraph (N)—

(I) in clauses (i)(I) and (iv), by striking “85 percent” and inserting “150 percent”; and
(II) in clause (iii), by striking
“At the option of the State, the” and
inserting “The”;

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

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

(xii) in subparagraph (U)—

(I) in clause (i)—

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

and

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

(II) in clause (ii), by inserting
“State and local health agencies,”
after “licensing of child care providers,”; and

(III) in clause (iii)(II), by striking “following the emergency or disaster, which may include” and inserting “during and following the emergency or disaster, which shall include guidelines for the”; and

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

“(I) provision of strategies to support management coaching and the use of core best business practices;

“(II) development and use of shared services initiatives including initiatives involving provider networks such as child care center alliances and family child care provider networks; and

“(III) development and use of shared services to support staff
retainment and professional development.’’.

(B) in paragraph (3)—

(i) in subparagraph (B)(ii), by striking ‘‘Not later’’ and all that follows through ‘‘shall prepare’’ and inserting ‘‘Not later than September 30 of each fiscal year, the Secretary shall prepare’’; and

(ii) in subparagraph (D)—

(I) by striking ‘‘with respect to’’ and all that follows through ‘‘2020’’ and inserting ‘‘with respect to each fiscal year’’; and

(II) by striking ‘‘described in clause (i), (ii), (iii), or (iv) of’’ and inserting ‘‘in priority populations described in’’;

(C) in paragraph (4)—

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

‘‘(A) IN GENERAL.—The State plan shall certify, in not less than 5 years, that payment rates, for the provision of child care services for which assistance is provided in accordance with this subchapter, are sufficient to meet the cost
of providing the child care services, including
the fixed and operational costs of providing the
child care services, and are set and paid in ac-
cordance with a cost estimation model described
in subparagraph (B).

“(B) Cost estimation model.—The
State plan shall—

“(i) demonstrate that the State, after
consulting with eligible child care pro-
viders, the State Advisory Council on Early
Childhood Education and Care designated
or established in section 642B(b)(1)(A)(i)
of the Head Start Act (42 U.S.C.
9837b(b)(1)(A)(i)), local child care pro-
gram administrators, local child care re-
source and referral agencies, and other ap-
propriate entities, has developed and uses
a statistically valid and reliable cost esti-
mation model for the payment rates for
providers of child care services in the
State, that—

“(I) reflects the costs of service
delivery, including fixed costs, oper-
ating expenses, and staff salaries and
benefits necessary to recruit, educate, and retain qualified staff;

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

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

“(bb) ages of children;

“(cc) whether the children have particular needs (such as needs of children with disabilities and children served by child protective services);

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

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

“(III) is reviewed once every two years and adjusted accordingly to—
“(aa) ensure payment rates remain sufficient to meet the requirements of this subchapter; and

“(bb) provide a cost of living increase to maintain the level of services; and

“(ii) describe how the State will provide for timely payments, set in accordance with the model described in clause (i), for child care services provided under this subchapter.”;

(ii) in subparagraph (C)—

(I) by striking clause (ii); and

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

“(C) CONSTRUCTION.—Nothing”; and

(iii) by adding at the end the following:

“(D) NO FEDERAL CONTROL.—The Secretary may offer guidance to States on cost estimation models described in subparagraph (B), but shall not require a State to adopt a par-
ticular cost estimation model or element of a particular cost estimation model.”; and

(D) by striking paragraph (5) and inserting the following:

“(5) COPAYMENT.—The State plan shall provide that the State will establish and periodically revise by rule a sliding fee scale to determine a full copayment for a family receiving assistance under this subchapter (or, for a family receiving part-time care, a reduced copayment that is the proportionate amount of the full copayment) and that is not a barrier to families from accessing child care services under this subchapter.”.

SEC. 7. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

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

(1) in subsection (a)(2)—

(A) by striking subparagraph (A) and inserting the following:

“(A) to carry out the activities described in paragraph (1), not less than 9 percent of the funds described in paragraph (1) for each fiscal year; and”; and

(B) in subparagraph (B)—
(i) by striking “received not later” and all that follows through “succeeding full fiscal year” and inserting “received for each fiscal year”; and

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

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting “(which shall include activities selected by the State to carry out paragraph (1))” after “following activities”;

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

“(1) Supporting the education and professional development of child care staff and supporting child care providers in the recruitment of, professional development for, and retention of a qualified child care workforce, through activities selected by the State such as—

“(A) the development and expansion of initiatives to assist child care staff in the attainment of postsecondary credentials;

“(B) the provision of financial assistance (including through bonuses, retention grants, and wage supplements)—
“(i) for child care staff to pursue a postsecondary credential; and

“(ii) for child care providers to recruit, provide professional development for, and retain child care staff who have attained such credentials; and

“(C) the support for earn and learn programs that equip participants with specialized knowledge, skills, and competencies required to work in child care;”;

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

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

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

“(A) support and assess the quality of child care providers in the State, which may include supporting child care providers in the voluntary pursuit of accreditation by a national accrediting body with demonstrated, valid, and reliable program standards of high quality;”;

and

(ii) by striking subparagraph (C) and inserting the following:
“(C) be designed to improve the quality of all providers in the mixed delivery system, including providers offering services for different age groups of children and providers offering services in nontraditional hours of operation;”;

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

“(3) Supporting a statewide system of child care resource and referral services to help parents make informed choices about child care services through transparent and easy-to-understand consumer information about high-quality care and education.”;

(F) by striking paragraphs (4) through (6);

(G) by redesignating paragraph (7) as paragraph (4);

(H) by striking paragraphs (8) and (9); and

(I) by redesignating paragraph (10) as paragraph (5); and

(3) in subsection (c), by striking “Beginning with fiscal year 2016, at” and inserting “At”.
SEC. 8. REPORTS AND AUDITS.

Section 685K(a)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)(2)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking “Not later than” and all that follows through “a State” and inserting “A State”; and

(B) by inserting “annually” before “prepare”;

(2) in subparagraph (A), by striking “section 658P(6)” and inserting “section 658A(8)”; and

(3) in subparagraph (F), by striking “section 658P(6)(B)” and inserting “section 658A(8)(B)”.

SEC. 9. REPORTS, HOTLINE, AND WEBSITE.

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

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

(2) in subsection (b)(2)(B)(ii), by inserting “, or a national accrediting body with demonstrated, valid, and reliable program standards for high quality,” after “System”.
SEC. 10. TECHNICAL AMENDMENTS.

Section 658O(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(a)) is amended—

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

(2) in paragraph (5) by striking “this subchapter” the first place it appears and inserting “section 658B”.