

118TH CONGRESS
1ST SESSION

H. R. 3639

To establish and expand child care programs for parents who work nontraditional hours, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2023

Mrs. HINSON (for herself, Ms. BONAMICI, Mr. POCAN, and Ms. STEFANIK) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish and expand child care programs for parents who work nontraditional hours, 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 “After Hours Child
5 Care Act”.

6 **SEC. 2. CHILD CARE AND DEVELOPMENT INNOVATION**
7 **FUND.**

8 (a) ESTABLISHMENT.—The Child Care and Develop-
9 ment Block Grant Act of 1990 (42 U.S.C. 9857 et seq.)
10 is amended—

1 (1) by redesignating section 658P as section
2 658T, and moving that section 658T to follow sec-
3 tion 658S; and

4 (2) by adding at the end the following:

5 **“SEC. 658U. CHILD CARE AND DEVELOPMENT INNOVATION**
6 **FUND.**

7 “(a) PURPOSE.—The purpose of this section is to—

8 “(1) improve child care access for parents
9 working hours outside of traditional 9 to 5 work
10 hours, such as parents working an evening, night, or
11 weekend shift; and

12 “(2) address the needs of working parents with
13 young children, so that the parents are able to stay
14 attached to the workforce, attain eligibility for pro-
15 motions and salary increases, and amass savings.

16 “(b) DEFINITIONS.—In this section:

17 “(1) CHILD CARE PROGRAM.—The term ‘child
18 care program’ means the child care activities of an
19 eligible child care provider.

20 “(2) NONTRADITIONAL WORK HOURS.—The
21 term ‘nontraditional work hours’ means work hours
22 at least 25 percent of which—

23 “(A) are before 9 a.m. or after 5 p.m. on
24 a weekday;

25 “(B) are on a Saturday or Sunday; or

1 “(C) are scheduled within 7 days before re-
2 quired attendance at work for those work
3 hours.

4 “(3) SECRETARY.—The term ‘Secretary’ means
5 the Secretary of Health and Human Services.

6 “(4) STATE EDUCATIONAL AGENCY; LOCAL
7 EDUCATIONAL AGENCY.—The terms ‘State edu-
8 cational agency’ and ‘local educational agency’ have
9 the meanings given the terms in section 8101 of the
10 Elementary and Secondary Education Act of 1965
11 (20 U.S.C. 7801 et seq.).

12 “(c) GENERAL AUTHORITY.—

13 “(1) GRANTS.—Not later than 90 days after
14 the date of enactment of the After Hours Child Care
15 Act, the Secretary shall establish a pilot program,
16 through which the Secretary shall award grants on
17 a competitive basis to eligible entities to pay for the
18 Federal share of the cost of—

19 “(A) expanding capacity for an existing (as
20 of January 1, 2024) child care program, includ-
21 ing such a program of a family child care pro-
22 vider to serve families in which a parent is
23 working nontraditional work hours;

24 “(B) entering into an enrollment-based
25 contract with—

1 “(i) an eligible child care provider to
2 serve such families; or

3 “(ii) a fiscal intermediary such as a
4 staffed network of family child care pro-
5 viders, child care resource and referral or-
6 ganization, or entity operating a child care
7 facilities fund for the services of multiple
8 eligible child care providers to serve such
9 families;

10 “(C) planning activities, including con-
11 ducting a needs assessment and outreach to ex-
12 isting eligible child care providers (existing on
13 the date of the outreach);

14 “(D) establishing an onsite child care pro-
15 gram at a workplace to serve such families;

16 “(E) expanding capacity for an onsite child
17 care program at a workplace to serve such fam-
18 ilies; or

19 “(F) establishing a child care program, in-
20 cluding a program of a family child care pro-
21 vider with the primary goal of serving such
22 families.

23 “(2) DURATION.—The Secretary shall award
24 the grant for a period of 5 years. A grant awarded
25 under this section may not be renewed.

1 “(3) AMOUNT.—The Secretary shall award the
2 grant in an amount of not less than \$25,000 and
3 not more than \$500,000.

4 “(d) ELIGIBLE ENTITIES.—To be eligible to receive
5 a grant under this section, an entity shall be—

6 “(1) an eligible child care provider; or

7 “(2) a partnership of—

8 “(A) an eligible child care provider; and

9 “(B) a lead agency, business, child care re-
10 source and referral organization, community de-
11 velopment financial institution, staffed network
12 of family child care providers, another inter-
13 mediary with experience supporting child care
14 providers, or another appropriate entity.

15 “(e) APPLICATION.—To be eligible to receive a grant
16 under this section, an entity shall submit an application
17 to the Secretary at such time, in such manner, and con-
18 taining such information as the Secretary may require.

19 “(f) USE OF FUNDS.—An entity that receives a grant
20 under this section may use the grant funds for activities
21 that may include—

22 “(1) staffing the child care program involved;

23 “(2) improving the child care facility and re-
24 lated equipment;

1 “(3) establishing or improving the curriculum
2 of the child care program;

3 “(4) assisting eligible child care providers in
4 meeting health and safety requirements, achieving li-
5 censure or registration as a child care provider, or
6 improving quality;

7 “(5) acquiring other items needed for the child
8 care program; and

9 “(6) providing training in the prevention of
10 sudden infant death syndrome and safe sleep prac-
11 tices.

12 “(g) MATCH.—The non-Federal share of the cost de-
13 scribed in subsection (c)(1) shall be 25 percent.

14 “(h) REPORT.—Not less often than every 2 years, the
15 Secretary shall prepare and submit to Congress a report
16 that includes information on the number of children served
17 under this section, the employment status of their parents,
18 general information to demonstrate the impact of activities
19 carried out under grants under this section on child care
20 availability, and other information relevant to the grants
21 made under this section.

22 “(i) RELATIONSHIP TO OTHER REQUIREMENTS.—
23 None of the requirements of this subchapter, other than
24 section 658T, shall apply to this section. No reference in

1 this subchapter to ‘this subchapter’ shall be considered to
2 include this section.

3 “(j) RESERVATION OF FUNDS.—The Secretary may
4 reserve up to $\frac{1}{4}$ of 1 percent of the amount appropriated
5 under this subchapter to carry out this section for each
6 of the fiscal years 2024 through 2028.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) APPLICATION PROVISIONS.—Section
9 658E(c)(2) of the Child Care and Development
10 Block Grant Act of 1990 (42 U.S.C. 9858e(c)(2)) is
11 amended—

12 (A) in subparagraph (A)(i)(II), by striking
13 “658P(2)” and inserting “658T(2)”; and

14 (B) in subparagraph (K)(i)(IV), by strik-
15 ing “658P(6)(B)” and inserting “658T(6)(B)”.

16 (2) REPORT PROVISIONS.—Section 658K(a)(2)
17 of the Child Care and Development Block Grant Act
18 of 1990 (42 U.S.C. 9858i(a)(2)) is amended—

19 (A) in subparagraph (A), by striking
20 “658P(6)” and inserting “658T(6)”; and

21 (B) in subparagraph (F), by striking
22 “658P(6)(B)” and inserting “658T(6)(B)”.

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