

117TH CONGRESS
1ST SESSION

S. 1842

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

IN THE SENATE OF THE UNITED STATES

MAY 26, 2021

Mr. WYDEN (for himself, Ms. WARREN, Mr. BROWN, Ms. SMITH, and Mr. CASEY) 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 and quality of child care, access to 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 “Building Child Care
5 for a Better Future Act”.

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

3 (a) IN GENERAL.—Section 418(a)(3) of the Social
4 Security Act (42 U.S.C. 618(a)(3)) is amended to read
5 as follows:

6 “(3) APPROPRIATION.—

7 “(A) IN GENERAL.—For grants under this
8 section, there are appropriated—

9 “(i) for fiscal year 2022,
10 \$10,000,000,000; and

11 “(ii) for each fiscal year after fiscal
12 year 2022, the greater of—

13 “(I) the amount appropriated
14 under this subparagraph for the pre-
15 vious fiscal year, increased by the per-
16 centage increase (if any) in the con-
17 sumer price index for all urban con-
18 sumers (all items; United States city
19 average) for the most recent 12-
20 month period for which data is avail-
21 able; and

22 “(II) the amount appropriated
23 under this subparagraph for the pre-
24 vious fiscal year.

1 “(B) AMOUNTS RESERVED.—Of the
2 amount appropriated under subparagraph (A)
3 for a fiscal year—

4 “(i) an amount equal to 5 percent of
5 such amount shall be available for grants
6 to Indian tribes and tribal organizations;

7 “(ii) an amount equal to 4 percent of
8 such amount shall be available for grants
9 to territories;

10 “(iii) an amount, not to exceed $\frac{1}{2}$ of
11 1 percent of such amount, shall be re-
12 served by the Secretary to support tech-
13 nical assistance and dissemination activi-
14 ties under paragraphs (3) and (4) of sec-
15 tion 658I(a) of the Child Care and Devel-
16 opment Block Grant Act of 1990; and

17 “(iv) an amount equal to $\frac{1}{2}$ of 1 per-
18 cent of such amount appropriated may be
19 reserved by the Secretary to conduct re-
20 search and demonstration activities, as well
21 as periodic external, independent evalua-
22 tions of the impact of the Child Care and
23 Development Block Grant program estab-
24 lished under subchapter C of chapter 8 of
25 title VI of the Omnibus Budget Reconcili-

ation Act of 1981 (Public Law 97–35), as carried out under this subsection and under such subchapter, on increasing access to child care services and improving the safety and quality of child care services, using scientifically valid research methodologies, and to disseminate the key findings of those evaluations widely and on a timely basis.”.

(b) REDISTRIBUTION OF FUNDS RESERVED FOR TRIBAL GRANTS.—Section 418(a) of such Act (42 U.S.C. 618(a)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4), the following:

“(5) REDISTRIBUTION OF UNUSED TRIBAL GRANTS.—

“(A) IN GENERAL.—The Secretary shall determine an appropriate procedure for redistributing the amounts described in subparagraph (B) for each fiscal year to each Indian tribe and tribal organization that applies for such amounts, to the extent the Secretary determines that the Indian tribe or tribal organi-

1 zation will be able to use such additional
2 amounts to provide child care assistance.

3 “(B) AMOUNTS DESCRIBED.—The
4 amounts described in this subparagraph are,
5 with respect to a fiscal year, the unused
6 amounts of any payment made to an Indian
7 tribe or tribal organization under this sub-
8 section for the fiscal year which the Secretary
9 determines will not be used by the Indian tribe
10 or tribal organization during the period in
11 which such payments are available to be obli-
12 gated.”.

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

17 (d) TECHNICAL AND CONFORMING AMENDMENTS.—
18 Section 418 of such Act (42 U.S.C. 618(a)) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), in the matter pre-
21 ceding subparagraph (A), by striking “para-
22 graph (3)” and inserting “paragraph (3)(A)
23 and remaining after the application of para-
24 graph (3)(B),”;

1 (B) in paragraph (2)(A), by striking
 2 “paragraph (3)(A),” and inserting “paragraph
 3 (3)(A) and remaining after the application of
 4 paragraph (3)(B) and”;

5 (C) in paragraph (4)—

6 (i) in subparagraph (A), by striking
 7 “paragraph (3)(C)” and inserting “para-
 8 graph (3)(B)(ii)”;

9 (ii) by striking subparagraph (E); and

10 (D) in paragraph (6), (as redesignated by
 11 subsection (b)(1)), by inserting “(as in effect on
 12 June 29, 2003)” after “section 403(a)(1)(D)”;

13 (2) in subsection (b)(1), by striking “by a State
 14 under this section” and inserting “by a State, a ter-
 15 ritory, or an Indian tribe or tribal organization
 16 under subsection (a)”;

17 (3) by striking subsection (c) and inserting the
 18 following:

19 “(c) APPLICATION OF CHILD CARE AND DEVELOP-
 20 MENT BLOCK GRANT ACT of 1990.—Notwithstanding any
 21 other provision of law, amounts provided to a State, a ter-
 22 ritory, or a Indian tribe or tribal organization under sub-
 23 section (a) shall be transferred to the lead agency under
 24 the Child Care and Development Block Grant Act of 1990,
 25 integrated by the State, territory, or Indian tribe or tribal

1 organization into the programs established by the State,
 2 territory, Indian tribe or tribal organization under such
 3 Act, and be subject to requirements and limitations of
 4 such Act.”; and

5 (4) by striking subsection (d) and inserting the
 6 following:

7 “(d) DEFINITIONS.—In this section:

8 “(1) INDIAN TRIBE.—The term ‘Indian tribe’
 9 means entities included on the list published pursu-
 10 ant to section 104(a) of the Federally Recognized
 11 Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)).

12 “(2) STATE.—The term ‘State’ means each of
 13 the 50 States and the District of Columbia.

14 “(3) TERRITORY.—The term ‘territory’ means
 15 the Commonwealth of Puerto Rico, the United
 16 States Virgin Islands, Guam, American Samoa, and
 17 the Commonwealth of the Northern Mariana Is-
 18 lands.

19 “(4) TRIBAL ORGANIZATION.—The term ‘tribal
 20 organization’ means—

21 “(A) the recognized governing body of any
 22 Indian tribe, and any legally established organi-
 23 zation of Indians which is controlled, sanc-
 24 tioned, or chartered by such governing body or
 25 which is democratically elected by the adult

members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities, except that in any case where a contract is let or grant made to an organization to perform services benefitting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant; and

“(B) includes a Native Hawaiian organization, as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517) and a private nonprofit organization established for the purpose of serving youth who are Indians or Native Hawaiians.”.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2021.

SEC. 3. GRANTS TO IMPROVE CHILD CARE SUPPLY, QUALITY, AND ACCESS IN AREAS OF PARTICULAR NEED.

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

1 “(e) GRANTS TO IMPROVE CHILD CARE SUPPLY,
2 QUALITY, AND ACCESS IN AREAS OF PARTICULAR
3 NEED.—

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

7 “(2) APPROPRIATIONS.—

8 “(A) IN GENERAL.—For grants under this
9 subsection to improve child care supply, quality,
10 and access in areas of particular need, there are
11 appropriated \$5,000,000,000 for each fiscal
12 year.

13 “(B) AMOUNTS RESERVED.—Of the
14 amount appropriated under subparagraph (A)
15 for a fiscal year, the Secretary shall reserve—

16 “(i) an amount equal to 5 percent of
17 such amount for grants to Indian tribes
18 and tribal organizations;

19 “(ii) an amount equal to 4 percent of
20 such amount for grants to territories;

21 “(iii) an amount, not to exceed $\frac{1}{2}$ of
22 1 percent of such amount, to support tech-
23 nical assistance and dissemination activi-
24 ties related to improving child care supply,
25 quality, and access, including in areas of

particular need, under paragraphs (3) and (4), respectively, of section 658I(a) of the Child Care and Development Block Grant Act of 1990;

“(iv) an amount equal to $\frac{1}{2}$ of 1 percent of such amount to carry out the evaluation required under paragraph (8); and

“(v) an amount, not to exceed 3 percent of such amount, for administrative expenses of the Secretary in administering this subsection.

“(3) GRANTS.—

“(A) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The Secretary shall use the amount reserved under paragraph (2)(B)(i) for a fiscal year to make grants under this subsection for the fiscal year to Indian tribes and tribal organizations in amounts that shall be allotted among Indian tribes and tribal organizations in proportion to their respective needs.

“(B) TERRITORIES.—The Secretary shall use the amount reserved under paragraph (2)(B)(ii) for a fiscal year to make grants under this subsection for the fiscal year to each territory in amounts that shall be allotted

1 among the territories in proportion to their re-
2 spective needs.

3 “(C) STATES.—The Secretary shall use the
4 amount appropriated under subparagraph (A)
5 of paragraph (2) for a fiscal year that remains
6 after the application of subparagraph (B) of
7 that paragraph, to make grants for the fiscal
8 year under this subsection to each State in
9 amounts that bear the same proportion to the
10 amount so remaining as the sum of the amount
11 granted under paragraph (1) of subsection (a)
12 and the amount allotted and paid under para-
13 graph (2) of subsection (a) to each such State
14 for the fiscal year (without regard to amounts
15 redistributed under subparagraph (D) of sub-
16 section (a)(2) for the fiscal year) bears to the
17 total amounts granted and allotted to all of the
18 States under paragraphs (1) and (2) of that
19 subsection for such fiscal year.

20 “(4) INCORPORATION INTO CCDBG PLAN.—

21 “(A) CONTENTS.—In order to be paid a
22 grant under this subsection for a fiscal year,
23 the lead agency of a State, territory, Indian
24 tribe, or tribal organization shall submit to the
25 Secretary, as part of the initial submission of

1 the Child Care and Development Block Grant
2 plan for the period that includes such fiscal
3 year, or as an amendment to that plan, a de-
4 scription of the planned use of grant funds
5 that—

6 “(i) describes the demographic and
7 economic data and other criteria the lead
8 agency proposes to use to determine
9 whether an area is in particular need of
10 child care;

11 “(ii) describes how community mem-
12 bers were engaged to identify community-
13 specific needs such as diverse types of care
14 delivery, care for infant and toddlers, mul-
15 tilingual care, and nontraditional oper-
16 ational hours;

17 “(iii) identifies specific areas deter-
18 mined to be in particular need of child
19 care, where such areas are located, the size
20 and scope of such areas, and the age
21 groups of children in need of child care in
22 such areas;

23 “(iv) outlines how the lead agency
24 proposes to use the grant funds to increase
25 child care supply, quality, and access for

1 all families, including families who are eli-
2 gible for subsidies under the Child Care
3 and Development Block Grant Act of
4 1990, in the areas determined to be in par-
5 ticular need of child care through activities
6 such as—

7 “(I) contracting and providing
8 grants to child care providers to pay
9 for specified numbers of child care
10 slots (including slots in family child
11 care homes) and to build supply and
12 stability by including expectations for
13 compensation in the contracts and
14 grants;

15 “(II) establishing or expanding
16 the operation of community or neigh-
17 borhood-based family child care net-
18 works by providing grants and con-
19 tracts for training and other activities
20 that increase the supply and quality of
21 family child care;

22 “(III) furnishing child care pro-
23 viders with start-up funding, technical
24 assistance, support for improving
25 business practices, and support navi-

1 gating real estate financing and devel-
2 opment processes, including leveraging
3 additional facilities financing re-
4 sources;

5 “(IV) providing guidance to child
6 care providers on negotiating with
7 landlords or applying for land or
8 home ownership;

9 “(V) providing technical assist-
10 ance to child care providers through-
11 out the child care licensing process;

12 “(VI) recruiting child care pro-
13 viders and staff;

14 “(VII) supporting the training
15 and professional development of the
16 child care workforce including through
17 apprenticeships, partnerships with
18 labor unions or labor-management
19 partnerships, and partnerships with
20 public and nonprofit institutions of
21 higher education to provide com-
22 prehensive scholarships that support
23 equitable access to, and completion of,
24 credentials and degrees in early child-
25 hood education;

1 “(VIII) maintaining an effective
2 and diverse early care workforce by
3 increasing total compensation, pro-
4 viding wage supplements or bonuses,
5 or offering wage and retention re-
6 wards;

7 “(IX) subject to subparagraph
8 (C), providing financial support (with-
9 out regard to limitations on expendi-
10 tures imposed under section 658F(b)
11 of the Child Care and Development
12 Block Grant Act of 1990) for projects
13 involving the purchase or improve-
14 ment of land, a major renovation,
15 repurposing facilities, the purchase,
16 acquisition, construction, or perma-
17 nent improvement of any building or
18 facility, including major renovation
19 and minor remodeling, indoor or out-
20 door modifications, including such
21 modifications to support accessibility
22 for children with disabilities,
23 predevelopment or soft costs, and for
24 projects to upgrade child care facili-
25 ties to assure that providers meet

1 State and local child care standards,
2 including applicable health, safety,
3 and quality requirements; or

4 “(X) subject to subparagraph
5 (C), contracting with an intermediary
6 with experience securing private
7 sources of capital financing for child
8 care facilities or other low-income
9 community development projects to
10 provide financial or managerial assist-
11 ance, technical support through the
12 real estate process, including success-
13 ful execution of Federal interest docu-
14 mentation, or furnishing an evaluation
15 of sustainability or operational capac-
16 ity of providers;

17 “(v) in the case of a State or terri-
18 tory, contains an assurance that the State
19 or territory shall collaborate with respect
20 to the use of grant funds to improve child
21 care supply, quality, and access in areas of
22 particular need identified within the State
23 or territory with each Indian tribe and
24 tribal organization in such area; and

1 “(vi) contains such other information
2 as the Secretary may require.

3 “(B) APPROVAL.—The Secretary shall ap-
4 prove a planned use of funds submission that
5 contains the information required under sub-
6 paragraph (A), and, with respect to the pro-
7 posed criteria required under subparagraph
8 (A)(i), shall accept any reasonable criteria that
9 are based on internal analyses by a lead agency
10 of a State, territory, Indian tribe, or tribal or-
11 ganization or analyses by organizations with ex-
12 perience in evaluating research on various ap-
13 proaches to identifying areas where there is a
14 low supply of child care that is affordable and
15 that is in particular need of child 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 clause (IX) or (X) of subparagraph
22 (A)(iv).

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

lotment paid under this subsection that are
used for projects described in subclause
(IX) or (X) of subparagraph (A)(iv)—

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

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

“(5) OTHER FUNDING AND PAYMENT RULES.—

“(A) APPROVAL AND PAYMENT DEAD-
LINE.—The Secretary shall make quarterly pay-
ments to the lead agency of each State, terri-
tory, Indian tribe, and tribal organization with
a planned use of funds submission approved
under paragraph (4) from the grant determined
for the State, territory, Indian tribe, or tribal
organization under paragraph (3) for a fiscal
year.

“(B) NO MATCHING REQUIREMENT.—Nei-
ther subparagraph (C) of subsection (a)(2) nor
any other cash or in-kind matching requirement

1 shall apply to the grants paid under this sub-
2 section.

3 “(C) MAINTENANCE OF EFFORT.—

4 “(i) CERTIFICATION FUNDS WILL
5 SUPPLEMENT, NOT SUPPLANT, GENERAL
6 REVENUE EXPENDITURES.—Each State
7 paid a grant under this subsection for a
8 fiscal year shall certify that the grant
9 funds will be used to supplement and not
10 supplant the level of general revenue ex-
11 penditures from State, local, and other
12 non-Federal sources that are used to pro-
13 vide child care assistance for low-income
14 families.

15 “(ii) STATE MINIMUM EXPENDITURES
16 REQUIREMENT.—

17 “(I) IN GENERAL.—Each State
18 paid a grant under this subsection for
19 a fiscal year shall certify that the
20 State shall satisfy the required min-
21 imum general revenue expenditures
22 for child care assistance for low-in-
23 come families dollar amount applica-
24 ble to the State for the fiscal year.

1 “(II) STATE MINIMUM GENERAL
 2 REVENUE EXPENDITURES FOR CHILD
 3 CARE ASSISTANCE FOR LOW-INCOME
 4 FAMILIES DOLLAR AMOUNT.—With
 5 respect to a State and a fiscal year,
 6 the minimum general revenue expend-
 7 itures for child care assistance for
 8 low-income families dollar amount for
 9 the State and fiscal year is—

10 “(aa) in the case of the first
 11 fiscal year for which the State is
 12 paid a grant under this sub-
 13 section, the aggregate dollar
 14 amount of general revenue ex-
 15 penditures for child care assist-
 16 ance for low-income families for
 17 the most recent State fiscal year
 18 for which data is available; and

19 “(bb) in the case of any suc-
 20 ceeding fiscal year, the greater
 21 of—

22 “(AA) the minimum
 23 baseline dollar amount of
 24 general revenue expenditures
 25 for child care assistance for

1 low-income families applica-
2 ble to the State for the pre-
3 ceding year; and

4 “(BB) the minimum
5 baseline dollar amount of
6 general revenue expenditures
7 for child care assistance for
8 low-income families for the
9 most recent State fiscal year
10 for which data is available.

11 “(III) ANNUAL GUIDANCE.—The
12 Secretary shall issue annual guidance
13 to States specifying—

14 “(aa) the data and reporting
15 that will be required for purposes
16 of enforcing the State minimum
17 general revenue expenditures for
18 child care assistance for low-in-
19 come families dollar amount re-
20 quirement under this subpara-
21 graph; and

22 “(bb) for each fiscal year
23 and State for which a grant is
24 paid under this subsection, the
25 minimum general revenue ex-

1 penditures for child care assist-
 2 ance for low-income families dol-
 3 lar amount that is required for
 4 the State and fiscal year.

5 “(D) PERIOD FOR AVAILABILITY; REDIS-
 6 TRIBUTION OF UNUSED FUNDS.—

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 for a fiscal year are available for
 11 expenditure, the determination as to
 12 whether funds from the grant will not be
 13 used, and the procedure for redistributing
 14 unused funds, shall be made in the same
 15 manner as if—

16 “(I) in the case of 1 of the 50
 17 States or the District of Columbia,
 18 the funds were considered amounts al-
 19 lotted to the State or District under
 20 subsection (a)(2)(B) for a fiscal year;

21 “(II) in the case of a territory,
 22 the funds were considered a grant
 23 made to the territory under subsection
 24 (a)(4) for such fiscal year; and

1 “(III) in the case of an Indian
 2 tribe or tribal organization, the funds
 3 were considered a grant made to the
 4 Indian tribe or tribal organization
 5 under subsection (a) for such fiscal
 6 year.

7 “(ii) EXTENSION OF AVAILABILITY OF
 8 FUNDS USED FOR CERTAIN PROJECTS.—If
 9 funds from a grant paid under this sub-
 10 section are used to provide financial sup-
 11 port for a project described in subclause
 12 (IX) or (X) of paragraph (4)(A)(iv), the
 13 funds shall remain available for expendi-
 14 ture by the lead agency of a State, terri-
 15 tory, Indian tribe, or tribal organization
 16 (as applicable) for a period of 5 years.

17 “(E) INAPPLICABILITY OF TERRITORIAL
 18 PAYMENT LIMITATION.— Section 1108(a) shall
 19 not apply with respect to any funds paid under
 20 this subsection.

21 “(6) USE OF FUNDS.—

22 “(A) IN GENERAL.—To the extent per-
 23 mitted under this paragraph, section 658G(b)
 24 of the Child Care and Development Block
 25 Grant Act of 1990, and the approved planned

1 use of funds submission of the lead agency of
2 a State, territory, Indian tribe, or tribal organi-
3 zation under paragraph (4), each such lead
4 agency shall use funds from a grant paid under
5 this subsection to increase child care supply,
6 quality, and access in areas determined to be in
7 particular need of child care (with activities
8 provided directly, or through grants or con-
9 tracts with local child care resource and referral
10 organizations or other appropriate entities). Ac-
11 tivities carried out with such funds shall be—

12 “(i) designed to improve the quality of
13 child care services and increase parental
14 options for, and access to, high-quality
15 child care, especially in areas of con-
16 centrated poverty; and

17 “(ii) in alignment with the most re-
18 cent Statewide or tribal assessment of the
19 State’s or Indian tribe’s or tribal organiza-
20 tion’s needs to carry out such services and
21 care.

22 “(B) PRIORITY.—If a lead agency chooses
23 to make grants from the funds paid under this
24 subsection, each such lead agency shall give pri-
25 ority 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;

13 “(iv) operate in rural communities
14 with a low supply of child care; or

15 “(v) are operated by public entities,
16 non-profit entities, and small businesses
17 that are at least 51 percent owned and
18 controlled by individuals who are socially
19 and economically disadvantaged, as defined
20 by the Administrator of the Small Busi-
21 ness Administration.

22 “(C) HEAD START AND EARLY HEAD
23 START PROGRAMS.—A lead agency may use
24 funds from a grant paid under this subsection
25 for activities or assistance under a Head Start

1 program (including an Early Head Start pro-
 2 gram) carried out under the Head Start Act
 3 (42 U.S.C. 9831 et seq.)

4 “(D) ADMINISTRATION THROUGH THE
 5 CHILD CARE AND DEVELOPMENT BLOCK GRANT
 6 ACT of 1990.—

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

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

21 “(7) REPORTS.—

22 “(A) CCDBG REPORTS.—The lead agency
 23 of each State, territory, Indian tribe, and tribal
 24 organization paid a grant under this subsection
 25 for a fiscal year shall include information re-

1 garding how the lead agency spent the grant in
2 each monthly, quarterly, or annual report, as
3 applicable, submitted under section 658K(a)(2)
4 of the Child Care and Development Block
5 Grant Act of 1990. The information required to
6 be collected and reported under this paragraph
7 shall be—

8 “(i) in addition to, and shall not af-
9 fect, reporting and data collection require-
10 ments imposed under the Child Care and
11 Development Block Grant Act of 1990, in-
12 cluding to the extent any information spec-
13 ified under this paragraph also is required
14 to be included in a report submitted under
15 that Act; and

16 “(ii) made publicly available.

17 “(B) 1-YEAR POST-AWARD REPORT.—Not
18 later than 6 months after receipt of the first
19 payment from a grant under this subsection,
20 the lead agency of the State, territory, Indian
21 tribe, or tribal organization (as applicable) shall
22 submit a report to the Secretary that includes
23 information and data (reported on such basis as
24 the Secretary shall specify) regarding—

1 “(i) the supply of child care in the
2 areas determined to be in particular need
3 of child care by the lead agency, including
4 with respect to the pre-grant award assess-
5 ment of the number of Child Care and De-
6 velopment Block Grant-eligible child care
7 slots reserved by grants or contracts in
8 such areas and the pre-grant award assess-
9 ment of the number of providers who are
10 regulated under State law in such areas,
11 and the number of providers who are not
12 covered by or are exempt from such a reg-
13 ulation but are eligible child care providers
14 providing services under the Child Care
15 and Development Block Grant Act of 1990
16 (42 U.S.C. 9857 et seq.) in such areas;
17 and

18 “(ii) the supply, quality, and access of
19 child care in the areas determined to be in
20 particular need of child care by the lead
21 agency.

22 “(C) 3-YEAR POST-AWARD REPORT.—Not
23 later than December 31 of the calendar year in
24 which the third fiscal year for which the lead
25 agency of a State, territory, Indian tribe, or

1 tribal organization is paid a grant under this
2 subsection ends, the lead agency shall submit a
3 report to the Secretary that includes the fol-
4 lowing information:

5 “(i) Data that describes the impact of
6 expenditures of grant funds on—

7 “(I) the supply of child care in
8 the areas determined to be in par-
9 ticular need of child care by the lead
10 agency, including with respect to the
11 pre-grant award assessment of the
12 number of Child Care and Develop-
13 ment Block Grant-eligible child care
14 slots reserved by grants or contracts
15 in such areas and the pre-grant award
16 assessment of the number of providers
17 who are regulated under State law in
18 such areas, and the number of pro-
19 viders who are not covered by or are
20 exempt from such a regulation but are
21 eligible child care providers providing
22 services under the Child Care and De-
23 velopment Block Grant Act of 1990
24 (42 U.S.C. 9857 et seq.) in such
25 areas; and

1 “(II) the supply, quality, and ac-
2 cess of child care in the areas deter-
3 mined to be in particular need of child
4 care by the lead agency, and on the
5 extent to which areas in which such
6 funds were used experienced outcomes
7 that reduced the conditions in such
8 areas which factored into such deter-
9 mination.

10 “(ii) Information specifying the areas
11 determined to be in particular need of
12 child care by the lead agency and the ac-
13 tivities in which grant funds were used in
14 such areas.

15 “(iii) Demographic data on the child
16 care providers receiving funds and on the
17 families and children served.

18 “(iv) Information specifying whether
19 grant funds were used for projects de-
20 scribed in subclause (IX) or (X) of para-
21 graph (4)(A)(iv) and if so, the status of
22 such projects, including if such projects
23 are ongoing at the time of reporting.

24 “(D) SUBMISSION TO CONGRESS.—The in-
25 formation reported in accordance with subpara-

1 graphs (A), (B), and (C) shall be incorporated
2 into the biennial reports to Congress by the
3 Secretary required under section 658L(a) of the
4 Child Care and Development Block Grant Act
5 of 1990.

6 “(8) REGULAR EVALUATIONS.—

7 “(A) IN GENERAL.—From a geographically
8 diverse selection of the lead agencies paid a
9 grant under this subsection that includes rep-
10 resentation of States, territories, and Indian
11 tribes and tribal organizations, the Secretary
12 regularly shall evaluate the impact of the activi-
13 ties carried out by such lead agencies with re-
14 spect to improving the supply and quality of
15 child care in the areas determined to be in par-
16 ticular need of child care by such lead agencies.

17 “(B) SUPPLY ASSESSMENT.—In evaluating
18 the extent to which there are improvements in
19 the supply of child care in the areas determined
20 to be in particular need of child care, the Sec-
21 retary shall focus on the following areas:

22 “(i) General availability of child care
23 services.

24 “(ii) Availability of child care services
25 that—

1 “(I) are provided during non-
2 traditional hours;

3 “(II) serve dual language learn-
4 ers, children with disabilities, children
5 experiencing homelessness, children in
6 foster care, children from low-income
7 families, or infants and toddlers;

8 “(III) serve a high proportion of
9 children whose families are eligible for
10 subsidies under the Child Care and
11 Development Block Grant Act of
12 1990; and

13 “(IV) operate in rural commu-
14 nities with a low supply of child care.

15 “(iii) Opportunity for parental choice
16 in child care services

17 “(C) QUALITY ASSESSMENT.—In evalu-
18 ating the extent to which there are improve-
19 ments in the quality of child care in the areas
20 determined to be in particular need of child
21 care, the Secretary shall focus on at least 5 of
22 the following areas:

23 “(i) Ratios of staff to children and
24 group size.

1 “(ii) Developmentally-appropriate cur-
2 rriculum.

3 “(iii) Approaches to instruction.

4 “(iv) Relationship quality between
5 children and staff.

6 “(v) Children’s learning and develop-
7 ment.

8 “(vi) Physical environment quality
9 and ability to protect children and staff
10 from illness and injury.

11 “(vii) Qualifications, experience, and
12 specialized training of staff.

13 “(viii) Opportunities for staff profes-
14 sional development.

15 “(ix) Wages and benefits for staff.

16 “(x) Ability to foster relationships
17 with families and communities.

18 “(xi) Leadership and management ca-
19 pacity.

20 “(xii) Creating a stable work environ-
21 ment for staff retention.

22 “(xiii) Pursuit or earning of national
23 accreditation.

24 “(D) REPORT.—The Secretary shall—

“(i) submit a report to the appropriate committees of Congress regarding the evaluations of the impact of the activities carried out by lead agencies with funds from grants paid under this subsection—

“(I) within 180 days of the completion of each such evaluation; and

“(II) at least once every 5 years; and

“(ii) make each such report, along with the data and report for each evaluation, publicly available.

“(9) DEFINITIONS.—In this subsection:

“(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means the Committee on Appropriations, the Committee on Ways and Means, and the Committee on Education and Labor of the House of Representatives and the Committee on Appropriations, the Committee on Finance, and the Committee on Health, Education, Labor, and Pensions of the Senate.

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

1 tion 658P(9) of the Child Care and Develop-
2 ment Block Grant Act of 1990.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section take effect on October 1, 2021.

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