

118TH CONGRESS  
1ST SESSION

# H. R. 3639

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

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## 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

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## 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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