

116TH CONGRESS
2D SESSION

S. 3874

Making additional supplemental appropriations for disaster relief requirements for the fiscal year ending September 30, 2020, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2020

Mrs. MURRAY (for herself, Ms. SMITH, Ms. WARREN, Mr. CASEY, Mrs. GILLIBRAND, Ms. HASSAN, Mr. KAINE, Ms. ROSEN, Mr. SANDERS, Ms. BALDWIN, Mrs. SHAHEEN, Mr. DURBIN, Mr. REED, Mr. SCHATZ, Mr. BOOKER, Mr. WYDEN, Ms. HIRONO, Mr. MERKLEY, and Mr. JONES) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

Making additional supplemental appropriations for disaster relief requirements for the fiscal year ending September 30, 2020, 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. The following sums are appropriated, out
4 of any money in the Treasury not otherwise appropriated,
5 for the fiscal year ending September 30, 2020, and for
6 other purposes, namely:

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 ADMINISTRATION FOR CHILDREN AND FAMILIES
4 PAYMENTS TO STATES FOR THE CHILD CARE AND
5 DEVELOPMENT BLOCK GRANT

6 For an additional amount for “Payments to States
7 for the Child Care and Development Block Grant”,
8 \$50,000,000,000, to remain available until September 30,
9 2021, for necessary expenses to carry out the Child Care
10 Stabilization Fund grants program, as authorized by sec-
11 tion 2 of this Act: *Provided*, That such funds shall be
12 available without regard to the requirements in subpara-
13 graphs (C) through (E) of section 658E(c)(3) or section
14 658G of the Child Care and Development Block Grant Act
15 of 1990: *Provided further*, That funds appropriated under
16 this heading in this Act may be made available to restore
17 amounts, either directly or through reimbursement, for ob-
18 ligations incurred prior to the date of enactment of this
19 Act for the purposes provided in this Act: *Provided further*,
20 That such amount is designated by Congress as being for
21 an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985 and shall be available only
24 if the President subsequently so designates such amount
25 and transmits such designation to Congress.

1 SEC. 2. (a) DEFINITIONS.—In this section:

2 (1) CCDBG TERMS.—The terms “eligible child
3 care provider”, “Indian tribe”, “lead agency”, “trib-
4 al organization”, “Secretary”, and “State” have the
5 meanings given the terms in section 658P of the
6 Child Care and Development Block Grant Act of
7 1990 (42 U.S.C. 9858n) except as otherwise pro-
8 vided in this section.

9 (2) COVID–19 PUBLIC HEALTH EMERGENCY.—
10 The term “COVID–19 public health emergency”
11 means the public health emergency declared by the
12 Secretary of Health and Human Services under sec-
13 tion 319 of the Public Health Service Act (42
14 U.S.C. 247d) on January 31, 2020, with respect to
15 COVID–19, including any renewal of the declara-
16 tion.

17 (b) GRANTS.—From funds appropriated to carry out
18 this section and under the authority of section 658O of
19 the Child Care and Development Block Grant Act of 1990
20 (42 U.S.C. 9858m) and this section, the Secretary shall
21 establish a Child Care Stabilization Fund grants program,
22 through which the Secretary shall award child care sta-
23 bilization grants to the lead agency of each State (as de-
24 fined in that section 658O), territory described in sub-
25 section (a)(1) of such section, Indian tribe, and tribal or-

1 ganization from allotments and payments made under
 2 subsection (c)(2), not later than 30 days after the date
 3 of enactment of this Act.

4 (c) SECRETARIAL RESERVATION AND ALLOT-
 5 MENTS.—

6 (1) RESERVATION.—The Secretary shall reserve
 7 not more than 1 percent of the funds appropriated
 8 to carry out this section for the Federal administra-
 9 tion of grants described in subsection (b).

10 (2) ALLOTMENTS.—The Secretary shall use the
 11 remainder of the funds appropriated to carry out
 12 this section to award allotments to States, as defined
 13 in section 6580 of the Child Care Development
 14 Block Grant Act of 1990 (42 U.S.C. 9858m), and
 15 payments to territories, Indian tribes, and tribal or-
 16 ganizations in accordance with paragraphs (1) and
 17 (2) of subsection (a), and subsection (b), of section
 18 6580 of the Child Care and Development Block
 19 Grant Act of 1990 (42 U.S.C. 9858m).

20 (d) STATE RESERVATIONS AND SUBGRANTS.—

21 (1) RESERVATION.—A lead agency for a State
 22 that receives a child care stabilization grant pursu-
 23 ant to subsection (b) shall reserve not more than 10
 24 percent of such grant funds—

1 (A) to administer subgrants made to quali-
2 fied child care providers under paragraph (2),
3 including to carry out data systems building
4 and other activities that enable the disburse-
5 ment of payments of such subgrants;

6 (B) to provide technical assistance and
7 support in applying for and accessing the
8 subgrant opportunity under paragraph (2), to
9 eligible child care providers (including to family
10 child care providers, group home child care pro-
11 viders, and other non-center-based child care
12 providers and providers with limited administra-
13 tive capacity), either directly or through re-
14 source and referral agencies or staffed family
15 child care networks;

16 (C) to publicize the availability of sub-
17 grants under this section and conduct wide-
18 spread outreach to eligible child care providers,
19 including family child care providers, group
20 home child care providers, and other non-cen-
21 ter-based child care providers and providers
22 with limited administrative capacity, either di-
23 rectly or through resource and referral agencies
24 or staffed family child care networks, to ensure

1 eligible child care providers are aware of the
2 subgrants available under this section;

3 (D) to carry out the reporting require-
4 ments described in subsection (f); and

5 (E) to carry out activities to improve the
6 supply and quality of child care during and
7 after the COVID–19 public health emergency,
8 such as conducting community needs assess-
9 ments, carrying out child care cost modeling,
10 making improvements to child care facilities, in-
11 creasing access to licensure or participation in
12 the State’s tiered quality rating system, and
13 carrying out other activities described in section
14 658G(b) of the Child Care and Development
15 Block Grant Act of 1990 (42 U.S.C. 9858e(b)),
16 to the extent that the lead agency can carry out
17 activities described in this subparagraph with-
18 out preventing the lead agency from fully con-
19 ducting the activities described in subpara-
20 graphs (A) through (D).

21 (2) SUBGRANTS TO QUALIFIED CHILD CARE
22 PROVIDERS.—

23 (A) IN GENERAL.—The lead agency shall
24 use the remainder of the grant funds awarded
25 pursuant to subsection (b) to make subgrants

to qualified child care providers described in subparagraph (B), to support the stability of the child care sector during and after the COVID–19 public health emergency. The lead agency shall provide the subgrant funds in advance of provider expenditures for costs described in subsection (e), except as provided in subsection (e)(2).

(B) QUALIFIED CHILD CARE PROVIDER.—

To be qualified to receive a subgrant under this paragraph, a provider shall be an eligible child care provider that—

(i) was providing child care services on or before March 1, 2020; and

(ii) on the date of submission of an application for the subgrant, was either—

(I) open and available to provide child care services; or

(II) closed due to the COVID–19 public health emergency.

(C) SUBGRANT AMOUNT.—The lead agency

shall make subgrants, from amounts awarded pursuant to subsection (b), to qualified child care providers, and the amount of such a subgrant to such a provider shall—

1 (i) be based on the provider's stated
2 average operating expenses during the pe-
3 riod (of not longer than 6 months) before
4 March 1, 2020, and at minimum cover
5 such operating expenses for the intended
6 length of the subgrant;

7 (ii) account for increased costs of pro-
8 viding or preparing to provide child care as
9 a result of the COVID-19 public health
10 emergency, such as provider and employee
11 compensation and existing benefits (exist-
12 ing as of March 1, 2020) and the imple-
13 mentation of new practices related to sani-
14 tization, group size limits, and social
15 distancing;

16 (iii) be adjusted for payments or reim-
17 bursements made to an eligible child care
18 provider to carry out the Child Care and
19 Development Block Grant Act of 1990 (42
20 U.S.C. 9857 et seq.) or the Head Start
21 Act (42 U.S.C. 9831 et seq.); and

22 (iv) be adjusted for payments or reim-
23 bursements made to an eligible child care
24 provider through the Paycheck Protection
25 Program set forth in section 7(a)(36) of

the Small Business Act (15 U.S.C. 636(a)(36)), as added by section 1102 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

(D) APPLICATION.—

(i) ELIGIBILITY.—To be eligible to receive a subgrant under this paragraph, a child care provider shall submit an application to a lead agency at such time and in such manner as the lead agency may require. Such application shall include—

(I) a good-faith certification that the ongoing operations of the child care provider have been impacted as a result of the COVID–19 public health emergency;

(II) for a provider described in subparagraph (B)(ii)(I), an assurance that, for the duration of the COVID–19 public health emergency—

(aa) the provider will give priority for available slots (including slots that are only temporarily available) to—

1 (AA) children of essen-
2 tial workers (such as health
3 care sector employees, emer-
4 gency responders, sanitation
5 workers, farmworkers, child
6 care employees, and other
7 workers determined to be es-
8 sential during the response
9 to coronavirus by public offi-
10 cials), children of workers
11 whose places of employment
12 require their attendance,
13 children experiencing home-
14 lessness, children with dis-
15 abilities, children at risk of
16 child abuse or neglect, and
17 children in foster care, in
18 States where stay-at-home
19 or related orders are in ef-
20 fect; or

21 (BB) children of work-
22 ers whose places of employ-
23 ment require their attend-
24 ance, children experiencing
25 homelessness, children with

1 disabilities, children at risk
2 of child abuse or neglect,
3 children in foster care, and
4 children whose parents are
5 in school or a training pro-
6 gram, in States where stay-
7 at-home or related orders
8 are not in effect;

9 (bb) the provider will imple-
10 ment policies in line with guid-
11 ance from the Centers for Dis-
12 ease Control and Prevention and
13 the corresponding State and local
14 authorities, and in accordance
15 with State and local orders, for
16 child care providers that remain
17 open, including guidance on sani-
18 tization practices, group size lim-
19 its, and social distancing;

20 (cc) for each employee, the
21 provider will pay the full com-
22 pensation described in subsection
23 (e)(1)(C), including any benefits,
24 that was provided to the em-
25 ployee as of March 1, 2020 (re-

ferred to in this clause as “full compensation”), and will not take any action that reduces the weekly amount of the employee’s compensation below the weekly amount of full compensation, or that reduces the employee’s rate of compensation below the rate of full compensation; and

(dd) the provider will provide relief from copayments and tuition payments for the families enrolled in the provider’s program and prioritize such relief for families struggling to make either type of payment;

(III) for a provider described in subparagraph (B)(ii)(II), an assurance that—

(aa) for the duration of the provider’s closure due to the COVID–19 public health emergency, for each employee, the provider will pay full compensation, and will not take any action

1 that reduces the weekly amount
2 of the employee's compensation
3 below the weekly amount of full
4 compensation, or that reduces
5 the employee's rate of compensa-
6 tion below the rate of full com-
7 pensation;

8 (bb) children enrolled as of
9 March 1, 2020, will maintain
10 their slots, unless their families
11 choose to disenroll the children;

12 (cc) for the duration of the
13 provider's closure due to the
14 COVID-19 public health emer-
15 gency, the provider will provide
16 relief from copayments and tui-
17 tion payments for the families
18 enrolled in the provider's pro-
19 gram and prioritize such relief
20 for families struggling to make
21 either type of payment; and

22 (dd) the provider will re-
23 sume operations when the pro-
24 vider is able to safely implement
25 policies in line with guidance

1 from the Centers for Disease
2 Control and Prevention and the
3 corresponding State and local au-
4 thorities, and in accordance with
5 State and local orders;

6 (IV) information about the child
7 care provider's—

8 (aa) program characteristics
9 sufficient to allow the lead agen-
10 cy to establish the child care pro-
11 vider's priority status, as de-
12 scribed in subparagraph (F);

13 (bb) program operational
14 status on the date of submission
15 of the application;

16 (cc) type of program, includ-
17 ing whether the program is a
18 center-based child care, family
19 child care, group home child care,
20 or other non-center-based child
21 care type program;

22 (dd) total enrollment on the
23 date of submission of the applica-
24 tion and total capacity as allowed
25 by the State; and

1 (ee) receipt of assistance,
2 and amount of assistance,
3 through a payment or reimburse-
4 ment described in subparagraph
5 (C)(iv), and the time period for
6 which the assistance was made;

7 (V) information necessary to de-
8 termine the amount of the subgrant,
9 such as information about the pro-
10 vider's stated average operating ex-
11 penses over the period before March
12 1, 2020, described in subparagraph
13 (C)(i); and

14 (VI) such other limited informa-
15 tion as the lead agency shall deter-
16 mine to be necessary to make sub-
17 grants to qualified child care pro-
18 viders.

19 (ii) FREQUENCY.—The lead agency
20 shall accept and process applications sub-
21 mitted under this subparagraph on a roll-
22 ing basis.

23 (iii) UPDATES.—The lead agency
24 shall—

1 (I) at least once a month, verify
2 by obtaining a self-attestation from
3 each qualified child care provider that
4 received such a subgrant from the
5 agency, whether the provider is open
6 and available to provide child care
7 services or is closed due to the
8 COVID–19 public health emergency;

9 (II) allow the qualified child care
10 provider to update the information
11 provided in a prior application; and

12 (III) adjust the qualified child
13 care provider’s subgrant award as
14 necessary, based on changes to the
15 application information, including
16 changes to the provider’s operational
17 status.

18 (iv) EXISTING APPLICATIONS.—If a
19 lead agency has established and imple-
20 mented a grant program for child care pro-
21 viders that is in effect on the date of en-
22 actment of this Act, and an eligible child
23 care provider has already submitted an ap-
24 plication for such a grant to the lead agen-
25 cy containing the information specified in

1 clause (i), the lead agency shall treat that
2 application as an application submitted
3 under this subparagraph. If an eligible
4 child care provider has already submitted
5 such an application containing part of the
6 information specified in clause (i), the pro-
7 vider may submit to the lead agency an ab-
8 breviated application that contains the re-
9 maining information, and the lead agency
10 shall treat the 2 applications as an applica-
11 tion submitted under this subparagraph.

12 (E) MATERIALS.—

13 (i) IN GENERAL.—The lead agency
14 shall provide the materials and other re-
15 sources related to such subgrants, includ-
16 ing a notification of subgrant opportunities
17 and application materials, to qualified child
18 care providers in the most commonly spo-
19 ken languages in the State.

20 (ii) APPLICATION.—The application
21 shall be accessible on the website of the
22 lead agency within 30 days after the lead
23 agency receives grant funds awarded pur-
24 suant to subsection (b) and shall be acces-
25 sible to all eligible child care providers, in-

cluding family child care providers, group home child care providers, and other non-center-based child care providers and providers with limited administrative capacity.

(F) PRIORITY.—In making subgrants under this section, the lead agency shall give priority to qualified child care providers that, prior to or on March 1, 2020—

(i) provided child care during non-traditional hours;

(ii) served dual language learners, children with disabilities, children experiencing homelessness, children in foster care, children from low-income families, or infants and toddlers;

(iii) served a high proportion of children whose families received subsidies under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) for the child care; or

(iv) operated in communities, including rural communities, with a low supply of child care.

(G) PROVIDERS RECEIVING OTHER ASSISTANCE.—The lead agency, in determining wheth-

er a provider is a qualified child care provider,
 shall not take into consideration receipt of a
 payment or reimbursement described in clause
 (iii) or (iv) of subparagraph (C).

(H) AWARDS.—The lead agency shall equi-
 tably make subgrants under this paragraph to
 center-based child care providers, family child
 care providers, group home child care providers,
 and other non-center-based child care providers,
 such that qualified child care providers are able
 to access the subgrant opportunity under this
 paragraph regardless of the providers' setting,
 size, or administrative capacity.

(I) OBLIGATION.—The lead agency shall
 obligate at least 50 percent of funds available
 to carry out this section for subgrants described
 in this paragraph, by December 31, 2020.

(e) USES OF FUNDS.—

(1) IN GENERAL.—A qualified child care pro-
 vider that receives funds through such a subgrant
 may use the funds for the costs of—

(A) payroll;

(B) employee benefits, including group
 health plan benefits during periods of paid sick,

1 medical, or family leave, and insurance pre-
2 miums;

3 (C) employee salaries or similar compensa-
4 tion, including any income or other compensa-
5 tion to a sole proprietor or independent con-
6 tractor that is a wage, commission, income, net
7 earnings from self-employment, or similar com-
8 pensation;

9 (D) payment on any mortgage obligation;

10 (E) rent (including rent under a lease
11 agreement);

12 (F) utilities;

13 (G) insurance;

14 (H) providing premium pay for child care
15 providers and other employees who provide
16 services during the COVID–19 public health
17 emergency;

18 (I) sanitization and other costs associated
19 with cleaning;

20 (J) personal protective equipment and
21 other equipment necessary to carry out the
22 functions of the child care provider;

23 (K) training and professional development
24 related to health and safety practices, including
25 the proper implementation of policies in line

1 with guidance from the Centers for Disease
2 Control and Prevention and the corresponding
3 State and local authorities, and in accordance
4 with State and local orders;

5 (L) modifications to child care services as
6 a result of the COVID–19 public health emer-
7 gency, such as limiting group sizes, adjusting
8 staff-to-child ratios, and implementing other
9 heightened health and safety measures;

10 (M) mental health supports for children
11 and employees; and

12 (N) other goods and services necessary to
13 maintain or resume operation of the child care
14 program, or to maintain the viability of the
15 child care provider as a going concern during
16 and after the COVID–19 public health emer-
17 gency.

18 (2) REIMBURSEMENT.—The qualified child care
19 provider may use the subgrant funds to reimburse
20 the provider for sums obligated or expended before
21 the date of enactment of this Act for the cost of a
22 good or service described in paragraph (1) to re-
23 spond to the COVID–19 public health emergency.

24 (f) REPORTING.—

1 (1) INITIAL REPORT.—A lead agency receiving
2 a grant under this section shall, within 60 days after
3 making the agency’s first subgrant under subsection
4 (d)(2) to a qualified child care provider, submit a re-
5 port to the Secretary that includes—

6 (A) data on qualified child care providers
7 that applied for subgrants and qualified child
8 care providers that received such subgrants, in-
9 cluding—

10 (i) the number of such applicants and
11 the number of such recipients;

12 (ii) the number and proportion of
13 such applicants and recipients that re-
14 ceived priority and the characteristic or
15 characteristics of such applicants and re-
16 cipients associated with the priority;

17 (iii) the number and proportion of
18 such applicants and recipients that are—

19 (I) center-based child care pro-
20 viders;

21 (II) family child care providers;

22 (III) group home child care pro-
23 viders; or

24 (IV) other non-center-based child
25 care providers; and

(iv) within each of the groups listed in clause (iii), the number of such applicants and recipients that are, on the date of submission of the application—

(I) open and available to provide child care services; or

(II) closed due to the COVID–19 public health emergency;

(B) the total capacity of child care providers that are licensed, regulated, or registered in the State on the date of the submission of the report;

(C) a description of—

(i) the efforts of the lead agency to publicize the availability of subgrants under this section and conduct widespread outreach to eligible child care providers about such subgrants, including efforts to make materials available in languages other than English;

(ii) the lead agency’s methodology for determining amounts of subgrants under subsection (d)(2);

(iii) the lead agency’s timeline for disbursing the subgrant funds; and

1 (iv) the lead agency's plan for ensur-
 2 ing that qualified child care providers that
 3 receive funding through such a subgrant
 4 comply with assurances described in sub-
 5 section (d)(2)(D) and use funds in compli-
 6 ance with subsection (e); and

7 (D) such other limited information as the
 8 Secretary may require.

9 (2) QUARTERLY REPORT.—The lead agency
 10 shall, following the submission of such initial report,
 11 submit to the Secretary a report that contains the
 12 information described in subparagraphs (A), (B),
 13 and (D) of paragraph (1) once a quarter until all
 14 funds allotted for activities authorized under this
 15 section are expended.

16 (3) FINAL REPORT.—Not later than 60 days
 17 after a lead agency receiving a grant under this sec-
 18 tion has obligated all of the grant funds (including
 19 funds received under subsection (h)), the lead agen-
 20 cy shall submit a report to the Secretary, in such
 21 manner as the Secretary may require, that in-
 22 cludes—

23 (A) the total number of eligible child care
 24 providers who were providing child care services
 25 on or before March 1, 2020, in the State and

1 the number of such providers that submitted an
2 application under subsection (d)(2)(D);

3 (B) the number of qualified child care pro-
4 viders in the State that received funds through
5 the grant;

6 (C) the lead agency's methodology for de-
7 termining amounts of subgrants under sub-
8 section (d)(2);

9 (D) the average and range of the subgrant
10 amounts by provider type (center-based child
11 care, family child care, group home child care,
12 or other non-center-based child care provider);

13 (E) the percentages, of the child care pro-
14 viders that received such a subgrant, that, on or
15 before March 1, 2020—

16 (i) provided child care during non-
17 traditional hours;

18 (ii) served dual language learners,
19 children with disabilities, children experi-
20 encing homelessness, children in foster
21 care, children from low-income families, or
22 infants and toddlers;

23 (iii) served a high percentage of chil-
24 dren whose families received subsidies
25 under the Child Care and Development

- 1 Block Grant Act of 1990 (42 U.S.C. 9857
2 et seq.) for the child care; and
- 3 (iv) operated in communities, includ-
4 ing rural communities, with a low supply
5 of child care;
- 6 (F) the number of children served by the
7 child care providers that received such a
8 subgrant, for the duration of the subgrant;
- 9 (G) the percentages, of the child care pro-
10 viders that received such a subgrant, that are—
- 11 (i) center-based child care providers;
12 (ii) family child care providers;
13 (iii) group home child care providers;
- 14 or
- 15 (iv) other non-center-based child care
16 providers;
- 17 (H) the percentages, of the child care pro-
18 viders listed in subparagraph (G) that are, on
19 the date of submission of the application—
- 20 (i) open and available to provide child
21 care services; or
- 22 (ii) closed due to the COVID–19 pub-
23 lic health emergency;

1 (I) information about how child care pro-
2 viders used the funds received under such a
3 subgrant;

4 (J) information about how the lead agency
5 used funds reserved under subsection (d)(1);
6 and

7 (K) information about how the subgrants
8 helped to stabilize the child care sector.

9 (4) REPORTS TO CONGRESS.—

10 (A) FINDINGS FROM INITIAL REPORTS.—

11 Not later than 60 days after receiving all re-
12 ports required to be submitted under paragraph
13 (1), the Secretary shall provide a report to the
14 Committee on Education and Labor and the
15 Committee on Appropriations of the House of
16 Representatives and to the Committee on
17 Health, Education, Labor, and Pensions and
18 the Committee on Appropriations of the Senate,
19 summarizing the findings from the reports re-
20 ceived under paragraph (1).

21 (B) FINDINGS FROM FINAL REPORTS.—

22 Not later than 36 months after the date of en-
23 actment of this Act, the Secretary shall provide
24 a report to the Committee on Education and
25 Labor and the Committee on Appropriations of

1 the House of Representatives and to the Com-
2 mittee on Health, Education, Labor, and Pen-
3 sions and the Committee on Appropriations of
4 the Senate, summarizing the findings from the
5 reports received under paragraph (3).

6 (g) SUPPLEMENT NOT SUPPLANT.—Amounts made
7 available to carry out this section shall be used to supple-
8 ment and not supplant other Federal, State, and local
9 public funds expended to provide child care services for
10 eligible individuals, including funds provided under the
11 Child Care and Development Block Grant Act of 1990 (42
12 U.S.C. 9857 et seq.) and State child care programs.

13 (h) REALLOTMENT OF UNOBLIGATED FUNDS.—

14 (1) UNOBLIGATED FUNDS.—A State, Indian
15 tribe, or tribal organization shall return to the Sec-
16 retary any grant funds received under this section
17 that the State, Indian tribe, or tribal organization
18 does not obligate by September 30, 2021.

19 (2) REALLOTMENT.—The Secretary shall award
20 new allotments and payments, in accordance with
21 subsection (c)(2), to covered States, Indian tribes, or
22 tribal organizations from funds that are returned
23 under paragraph (1) within 60 days of receiving
24 such funds. Funds made available through the new
25 allotments and payments shall remain available to

1 each such covered State, Indian tribe, or tribal orga-
 2 nization until September 30, 2022.

3 (3) COVERED STATE, INDIAN TRIBE, OR TRIBAL
 4 ORGANIZATION.—For purposes of paragraph (2), a
 5 covered State, Indian tribe, or tribal organization is
 6 a State, Indian tribe, or tribal organization that re-
 7 ceived an allotment or payment under this section
 8 and was not required to return grant funds under
 9 paragraph (1).

10 (i) EXCEPTIONS.—The Child Care and Development
 11 Block Grant Act of 1990 (42 U.S.C. 9857 et seq.), exclud-
 12 ing requirements in subparagraphs (C) through (E) of sec-
 13 tion 658E(c)(3), section 658G, and section 658J(c) of
 14 such Act (42 U.S.C. 9858c(c)(3), 9858e, 9858h(c)), shall
 15 apply to child care services provided under this section to
 16 the extent the application of such Act does not conflict
 17 with the provisions of this section. Nothing in this Act
 18 shall be construed to require a State to submit an applica-
 19 tion, other than the application described in section 658E
 20 or 658O(c) of the Child Care and Development Block
 21 Grant Act of 1990 (42 U.S.C. 9858c, 9858m(c)), to re-
 22 ceive a grant under this section.

23 (j) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated to carry out this Act \$50,000,000,000
3 for fiscal year 2020.

4 (2) APPLICATION.—In carrying out the Child
5 Care and Development Block Grant Act of 1990
6 with funds other than the funds appropriated under
7 paragraph (1), the Secretary shall calculate the
8 amounts of appropriated funds described in sub-
9 sections (a) and (b) of section 658O of such Act (42
10 U.S.C. 9858m) by excluding funds appropriated
11 under paragraph (1).

12 SEC. 3. An amount appropriated or made available
13 under this Act is in addition to any amounts otherwise
14 appropriated for the fiscal year involved.

15 SEC. 4. Unless otherwise provided in this Act, the ad-
16 ditional amount appropriated under this Act to an appro-
17 priations account shall be available under the authorities
18 and conditions applicable to such appropriations account
19 for fiscal year 2020.

20 SEC. 5. This Act may be cited as the “Child Care
21 Is Essential Act”.

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