

117TH CONGRESS
1ST SESSION

H. R. 3943

To establish a commission to make recommendations for modernizing Federal financing of early care and education programs.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2021

Mr. OWENS (for himself and Mr. ESTES) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a commission to make recommendations for modernizing Federal financing of early care and education programs.

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 “Modernizing Financing
5 of Early Care and Education in America Act of 2021”.

1 **SEC. 2. MODERNIZING FINANCING OF EARLY CARE AND**
2 **EDUCATION IN AMERICA.**

3 (a) **PURPOSE AND OBJECTIVES.**—The purpose of this
4 section is to establish a commission to make recommenda-
5 tions for modernizing Federal financing of early care and
6 education programs in order to promote—

7 (1) access to high quality child care and early
8 education settings that support healthy development
9 and well-being of young children;

10 (2) affordability of high quality early learning
11 and education opportunities for children living in
12 poverty and in disadvantaged communities;

13 (3) parent choice and flexibility that respects
14 the role parents play in choosing child care that is
15 best suited to fit their child’s needs; and

16 (4) a more streamlined, equitable, and sustain-
17 able Federal financing framework to support the
18 success of future generations.

19 (b) **BIPARTISAN COMMISSION ON EARLY CHILDHOOD**
20 **EDUCATION FINANCING.**—

21 (1) **ESTABLISHMENT.**—There is established a
22 commission to be known as the Bipartisan Commis-
23 sion on Early Childhood Education Financing (in
24 this subsection referred to as the “Commission”).

25 (2) **MEMBERSHIP.**—

1 (A) QUALIFICATIONS.—The Commission
2 members shall be knowledgeable in federally
3 and state-funded early care and education pro-
4 grams, including individuals representing State
5 and local governments and organizations knowl-
6 edgeable in public regulatory and funding mech-
7 anisms for early care and education programs,
8 and shall be balanced by area of expertise and
9 balanced geographically to the extent consistent
10 with maintaining the highest level of expertise
11 on the Commission.

12 (B) NUMBER; APPOINTMENT.—The Com-
13 mission shall be composed of 12 members ap-
14 pointed, within 90 days after the effective date
15 of this Act, from among individuals who meet
16 the requirements of subparagraph (A), as fol-
17 lows:

18 (i) 1 member shall be appointed by
19 the Majority Leader of the Senate.

20 (ii) 1 member shall be appointed by
21 the Minority Leader of the Senate.

22 (iii) 1 member shall be appointed by
23 the Speaker of the House of Representa-
24 tives.

1 (iv) 1 member shall be appointed by
2 the Minority Leader of the House of Rep-
3 resentatives.

4 (v) 1 member shall be appointed by
5 the Chairman of the Committee on Fi-
6 nance of the Senate.

7 (vi) 1 member shall be appointed by
8 the ranking minority member of the Com-
9 mittee on Finance of the Senate.

10 (vii) 1 member shall be appointed by
11 the Chairman of the Committee on Ways
12 and Means of the House of Representa-
13 tives.

14 (viii) 1 member shall be appointed by
15 the ranking minority member of the Com-
16 mittee on Ways and Means of the House
17 of Representatives.

18 (ix) 1 member shall be appointed by
19 the Chairman of the Committee on Health,
20 Education, Labor, and Pensions of the
21 Senate.

22 (x) 1 member shall be appointed by
23 the ranking minority member of the Com-
24 mittee on Health, Education, Labor, and
25 Pensions of the Senate.

1 (xi) 1 member shall be appointed by
2 the Chairman of the Committee on Edu-
3 cation and Labor of the House of Rep-
4 resentatives.

5 (xii) 1 member shall be appointed by
6 the ranking minority member of the Com-
7 mittee on Education and Labor of the
8 House of Representatives.

9 (C) VACANCIES.—A vacancy on the Com-
10 mission shall be filled in the same manner in
11 which the vacating member was appointed.

12 (3) POWERS.—In carrying out the functions of
13 the Commission under this subsection, the Commis-
14 sion—

15 (A) may secure directly from any Federal
16 agency or department any information the
17 Commission deems necessary to carry out the
18 functions, and, on the request of the Commis-
19 sion, each such agency or department may co-
20 operate with the Commission and, to the extent
21 permitted by law, furnish the information to the
22 Commission; and

23 (B) may enter into contracts, subject to
24 the availability of appropriations, and employ
25 such staff experts and consultants as may be

1 necessary to carry out the duties of the Com-
2 mission, subject to section 3109 of title 5,
3 United States Code.

4 (4) STAFF.—The Commission may, without re-
5 gard to the civil service laws and regulations, ap-
6 point and terminate an Executive Director and such
7 other additional personnel as may be necessary for
8 the Commission to perform the duties of the Com-
9 mission. The Executive Director shall be com-
10 pensated at a rate not to exceed the rate payable for
11 Level V of the Executive Schedule under section
12 5136 of title 5, United States Code. The employ-
13 ment and termination of an Executive Director shall
14 be subject to confirmation by a majority of the mem-
15 bers of the Commission.

16 (5) MEETINGS.—

17 (A) IN GENERAL.—All meetings of the
18 Commission shall be open to the public. The
19 Commission shall permit interested persons to
20 appear at Commission meetings and present
21 oral or written statements on the subject matter
22 of the meeting.

23 (B) ADVANCE PUBLIC NOTICE.—The Com-
24 mission shall provide timely notice, in advance,

1 in the Federal Register, of the time, place, and
2 subject of each Commission meeting.

3 (C) DOCUMENTATION.—The Commission
4 shall keep minutes of each Commission meet-
5 ing, which shall contain a record of the people
6 present, a description of the discussion that oc-
7 curred, and copies of all statements filed. Sub-
8 ject to section 552 of title 5, United States
9 Code, the minutes and records of all meetings
10 and other documents that were made available
11 to, or prepared for, the Commission shall be
12 available for public inspection and copying at a
13 single location in the offices of the Commission.

14 (D) INITIAL MEETING.—The Commission
15 shall hold its first meeting within 30 days after
16 all Commission members are appointed.

17 (6) REPORT.—

18 (A) IN GENERAL.—Within 18 months after
19 the date of the enactment of this subsection,
20 the Commission shall prepare a report of its
21 findings and recommendations regarding mod-
22 ernizing Federal financing of early care and
23 education programs to streamline and reduce
24 duplicate funding streams.

1 (B) CONTENTS.—The report required by
2 subparagraph (A) shall include the following:

3 (i) An inventory and accounting of the
4 total amount of Federal funds available for
5 early care and education programs, includ-
6 ing—

7 (I) programs under the Child
8 Care and Development Block Grant
9 Act of 1990 (42 U.S.C. 9858 et seq.);

10 (II) the child care stabilization
11 grant program under section 2202 of
12 the American Rescue Plan Act of
13 2021 (42 U.S.C. 9858 note);

14 (III) the child care entitlement
15 program under section 418 of the So-
16 cial Security Act (42 U.S.C. 618);

17 (IV) programs under the Head
18 Start Act (42 U.S.C. 9801 et seq.);

19 (V) the program of block grants
20 to States for temporary assistance for
21 needy families under part A of title IV
22 of the Social Security Act (42 U.S.C.
23 601–619);

24 (VI) the Preschool Development
25 Grants program under section 9212

1 of the Every Student Succeeds Act
2 (42 U.S.C. 9831 note);

3 (VII) the Child Care Access
4 Means Parents in School program
5 under section 419N of the Higher
6 Education Act of 1965 (20 U.S.C.
7 1070e); and

8 (VIII) and any other early care
9 or education program identified by the
10 Commission.

11 (ii) A comprehensive review and as-
12 sessment of the funding structure and allo-
13 cation formula used to finance each pro-
14 gram referred to in clause (i), including a
15 bifurcation of programs indicating whether
16 Federal funds are provided directly to
17 States or to other grantees, and how that
18 affects the coordination of programs at the
19 State and local levels and the delivery of
20 services to families.

21 (iii) A description of congressional ju-
22 risdiction over, and Federal agency admin-
23 istration of, each such program.

24 (iv) An explanation of how each such
25 program interacts with State and local

1 public funding and financing for early care
2 and education, including publicly-funded
3 pre-kindergarten, which shall include an
4 accounting of the total amount of State
5 and local funds available for such pur-
6 poses.

7 (v) An identification of barriers in the
8 governance and funding structures of pro-
9 grams that limit the most efficient use of
10 local, State, and Federal resources.

11 (C) MATTERS REQUIRED TO BE AD-
12 DRESSED IN THE REPORT TO THE CONGRESS.—

13 In the report to the Congress, the Commission
14 shall make specific recommendations, including
15 delineation of specific statutory and regulatory
16 changes, to address each of the following:

17 (i) How to modernize and more effec-
18 tively use Federal funds to strengthen the
19 delivery of child care and early education,
20 and improve the financing framework and
21 governance structure at the Federal level
22 to improve access for families and account-
23 ability for taxpayer dollars.

24 (ii) The pros and cons of streamlining
25 or combining Federal programs and fund-

1 ing streams in order to improve the overall
2 participation of children in a mixed deliv-
3 ery system, while maintaining availability
4 of high quality services, expanding parental
5 choice, and enhancing access for children
6 from low-income communities.

7 (iii) Options for Federal alternative fi-
8 nancing framework or governance models
9 that better leverage the Federal investment
10 in child care and early education funding,
11 including ideas that are outside the current
12 framework or that re-envision existing pro-
13 grams.

14 (iv) Options for expanding the use of
15 public and private partnerships to help
16 maximize the Federal investment in early
17 care and education.

18 (D) DISTRIBUTION.—The Commission
19 shall make the report publicly available, and
20 shall submit a copy of the report to the Chair-
21 man and ranking minority member of each of
22 the Committees on Finance and on Health,
23 Education, Labor, and Pensions of the Senate,
24 and the Committees on Ways and Means and

1 on Education and Labor of the House of Rep-
2 resentatives, and to the President.

3 (7) TERMINATION.—The Commission shall ter-
4 minate 60 days after the Commission submits the
5 report required by paragraph (6).

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