



The Honorable Robert F. Kennedy Jr.
Secretary
U.S. Department of Health and Human
Services
200 Independence Ave SW
Washington, DC 20201

Ms. Megan Campbell
Supervisory Child Care Program Specialist
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U.S. Department of Health and Human
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200 Independence Ave SW
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February 5, 2026

RE: Restoring Flexibility in the Child Care and Development Fund (CCDF) (RIN) 0970-AD20

Dear Secretary Kennedy:

As members of the Democratic Women's Caucus, we write in opposition to the Department of Health and Human Services' (HHS) proposed rule, (RIN) 0970-AD20, which would repeal the 2024 Child Care and Development Fund (CCDF) Final Rule. This action appears to be part of the Trump administration's targeted attacks against child care programs, providers, and the families who rely on them across the country. The 2024 CCDF Final Rule protected families from excessive costs, provided greater financial stability for child care programs, and increased child care options for families. We oppose the proposed rule, (RIN) 0970-AD20, because it jeopardizes the financial stability of women with children and those providing child care.

Child care is a necessity for millions of families across the country, and it is one of the highest costs in a family's annual budget. A majority of families with children under the age of six need some form of child care. One in four parents of children under the age of three have been fired from or quit their job because of challenges securing child care.¹ Women are often the caretakers and care finders and if it is unavailable, it is their own employment that is sacrificed. Despite the overwhelming need, child care remains expensive and scarce.

¹ Ready Nation, *\$122 Billion: The Growing, Annual Cost of the Infant-Toddler Child Care Crisis*, Council for a Strong America (Feb. 2023), <https://www.strongnation.org/articles/2038-122-billion-the-growing-annual-cost-of-the-infant-toddler-child-care-crisis>.

One of the most significant provisions in the 2024 CCDF Final Rule capped child care copayments at 7 percent of household income. Prior to this change, some states already capped copayments at 7 percent of family income, but other states charged co-payments as high as 27 percent of family income. Additionally, before the 2024 Final Rule, copayments as a percentage of family income continued to increase for many families over the last two decades.² The proposed rule, (RIN) 0970-AD20, asserts that the 7 percent cap is not necessary. We disagree. Without the capped payments, families could be forced to pay even more for the child care they need. Child care copayments should not be a barrier that prevents families from receiving assistance. Nationally, the average cost of child care in 2024 was more than \$13,128 per year, comprising about 10 percent of the median married family's income, and 35 percent of the median household income for a single parent³ – notably, single mothers make up 4 in 5 single parents.⁴ Therefore, repealing the 7 percent cap on copayments would create more barriers to accessing child care further harming women and families.

Child care workers, who are overwhelmingly women, women of color, and immigrants,⁵ are among the lowest paid workers; they make poverty-level wages and many have little to no access to other benefits, including health care. Repealing this Final Rule will make it worse.⁶ It is unacceptable that those caring for our nation's children barely make a living wage. The 2024 CCDF Final Rule provided greater stability for child care workers through improved payment rates and practices.⁷ This included shifting provider payments to be closer in alignment with the private-pay market through paying providers prospectively, a requirement of the Child Care and Development Block Grant Act. Congressional Republicans and the Trump administration have alleged fraud in the child care system, in part due to paying providers for services before they render them even though this was a policy used in the first Trump administration. Child care providers operate on increasingly thin margins and paying providers in advance allows for greater stability in the child care market, which is why some states, both red and blue, already used this important payment practice.⁸

2 National Women's Law Center, *At the Crossroads: State Child Care Assistance Policies 2021* (June, 7, 2022), <https://nwlc.org/resource/at-the-crossroads-state-child-care-assistance-policies-2021/>.

3 Child Care Aware of America, *Child Care in America: 2024 Price & Supply* (May 2025), <https://www.childcareaware.org/price-landscape24/#LandscapeAnalysis>.

4 Isabela Salas-Betsch, "The Economic Status of Single Mothers," *Center for American Progress*, August 7, 2024, <https://www.americanprogress.org/article/the-economic-status-of-single-mothers/>

5 Brooke LePage, *The Child Care and Early Learning Workforce Is Underpaid and Women are Paying the Price*, National Women's Law Center, May 31, 2023, <https://nwlc.org/resource/the-child-care-and-early-learning-workforce-is-underpaid-and-women-are-paying-the-price/>

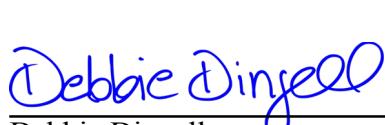
6 Caitlin McLean, Lea J. E. Austin, Megan Whitebook, Kathryn L. Olson, and Barbara Edwards, *Early Childhood Workforce Index — 2024: Executive Summary* (Center for the Study of Child Care Employment, University of California, Berkeley, 2024), https://cscce.berkeley.edu/workforce-index-2024/wp-content/uploads/sites/4/2024/10/2024-Early-Childhood-Workforce-Index_Executive-Summary.pdf

7 Office of Child Care, *Overview of 2024 CCDF Final Rule: Improving Child Care Access, Affordability, and Stability in the Child Care and Development Fund* (July 19, 2024), <https://acf.gov/occ/law-regulation/overview-2024-ccdf-final-rule-improving-child-care-access-affordability>.

Additionally, the 2024 CCDF Final Rule codified requirements in the Child Care and Development Block Grant Act that states use “generally-accepted” payment practices that address the fixed costs of care by requiring subsidy reimbursements be enrollment-based to help stabilize the child care sector and increase parent choices in child care arrangements.⁹ Paying based on enrollment instead of attendance is also consistent with the private-pay market. This proposed rule would unwisely change payments back to a system based on daily attendance. Children may miss a day of child care for a variety of reasons, including illness. According to the National Women’s Law Center, attendance-based payments create unpredictability that can threaten a child care provider’s finances and ability to remain open.¹⁰ That’s why nearly half of states already used enrollment-based payment at the time the 2024 Rule was adopted. This proposed change threatens to upend an already fragile child care system and family’s access to child care. It does not account for the realities of working in the child care sector. Overturning the 2024 CCDF Final Rule will increase financial uncertainty for child care providers and families will suffer.

Making robust investments in child care is key to building a quality child care supply, improving affordability, and supporting women and families. This proposed rule (RIN) 0970-AD20 does nothing to lower costs for working families and nothing to support women and children. The proposed rule would undermine the mission of CCDF and harm an already fragile child care system at the expense of women and children. Women and families must be able to access child care that best meets their children’s needs. For these reasons, we strongly oppose the proposed rule, (RIN) 0970-AD20.

Sincerely,



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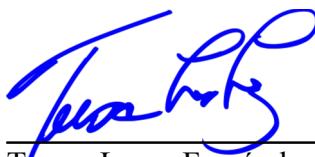
⁸ Tiffany Ferrette, Diane Girouard, Maria Estlund, Rachel Wilensky, Alisha Saxena, and Karen Schulman, *The Child Care and Development Fund 2024 Rule: Detailed Summary and State Examples* (Center for Law and Social Policy [CLASP], May 2024), https://www.clasp.org/wp-content/uploads/2024/05/2024_CCDF-2024-Rule-Detailed-Summary-and-State-Examples.pdf

⁹ Child Care Aware of America, *Child Care Payments: Attendance vs. Enrollments* (June 16, 2021), <https://info.childcareaware.org/blog/child-care-payments-attendance-vs.-enrollments>.

¹⁰ National Women’s Law Center, *Trump Administration Rule Raises Child Care Costs Amid Escalating Attacks on Early Educators and Families* (January 5, 2026), <https://nwlc.org/press-release/trump-administration-rule-raises-child-care-costs-amid-escalating-attacks-on-early-educators-and-families/>.



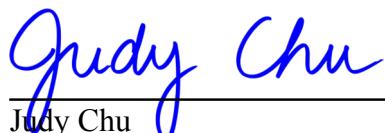
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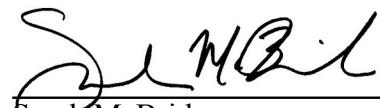
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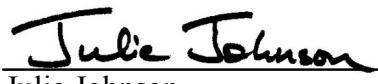
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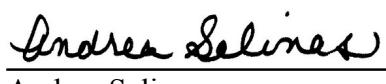
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