

118TH CONGRESS
1ST SESSION

S. 268

To assist States in carrying out projects to expand the child care workforce and child care facilities in the States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2023

Ms. KLOBUCHAR (for herself, Mr. SULLIVAN, Mr. KING, Ms. SINEMA, Mrs. SHAHEEN, Mr. HEINRICH, Mr. WHITEHOUSE, Ms. DUCKWORTH, Mrs. FEINSTEIN, Mrs. GILLIBRAND, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To assist States in carrying out projects to expand the child care workforce and child care facilities in the States, 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 “Child Care Workforce
5 and Facilities Act of 2023”.

6 **SEC. 2. CHILD CARE WORKFORCE AND FACILITIES GRANTS.**

7 (a) DEFINITIONS.—In this Act:

1 (1) CHILD CARE AND DEVELOPMENT BLOCK
2 GRANT ACT OF 1990 DEFINITIONS.—The terms “eli-
3 gible child care provider”, “Indian Tribe”, “Tribal
4 organization”, and “State” have the meanings given
5 the terms in section 658P of the Child Care and De-
6 velopment Block Grant Act of 1990 (42 U.S.C.
7 9858n).

8 (2) CHILD CARE DESERT.—The term “child
9 care desert” means—

10 (A) an area—

11 (i) within a census tract; and

12 (ii) in which the number of children
13 who are under age 5 (as determined using
14 the most recent American Community Sur-
15 vey 1-year Estimates, as published by the
16 Bureau of the Census) is more than 3
17 times the number of slots provided by child
18 care providers who are licensed or reg-
19 istered by the State involved; or

20 (B) a community that the State or Tribal
21 entity involved determines has a low supply of
22 quality, affordable child care.

23 (3) FAMILY CHILD CARE PROVIDER.—The term
24 “family child care provider” means such a provider
25 that is described in paragraph (6)(A) of section

1 658P of the Child Care and Development Block
2 Grant Act of 1990.

3 (4) LICENSED FAMILY CHILD CARE HOME.—
4 The term “licensed family child care home” means
5 a facility of a family child care provider.

6 (5) PORTABLE CREDENTIAL; STACKABLE CRE-
7 DENTIAL.—The terms “portable” and “stackable”,
8 used with respect to a credential, have the meanings
9 given the terms in the guidance document entitled
10 “Training and Employment Guidance Letter No.
11 15–10”, issued by the Assistant Secretary for Em-
12 ployment and Training of the Department of Labor
13 on December 15, 2010.

14 (6) POSTSECONDARY EDUCATIONAL INSTITU-
15 TION.—The term “postsecondary educational institu-
16 tion” means an institution of higher education, as
17 defined in section 102 of the Higher Education Act
18 of 1965 (20 U.S.C. 1002).

19 (7) SECRETARY.—The term “Secretary” means
20 the Secretary of Health and Human Services, after
21 consultation with the Secretary of Education and
22 the Secretary of Labor.

23 (8) TRIBAL AREA.—The term “Tribal area”
24 means a reservation or other area that is served by
25 a Tribal entity.

1 (9) TRIBAL ENTITY.—The term “Tribal entity”
2 means an Indian Tribe or Tribal organization.

3 (b) GRANTS TO STATES AND TRIBAL ENTITIES.—

4 (1) GRANTS.—

5 (A) IN GENERAL.—The Secretary shall
6 make grants to States and Tribal entities on a
7 competitive basis under subparagraph (B) to
8 pay for the Federal share of the cost of car-
9 rying out projects described in this Act, in
10 order to increase access to quality child care, by
11 eligible child care providers, in the States and
12 Tribal areas.

13 (B) TYPES OF GRANTS.—In making those
14 grants, the Secretary may make—

15 (i) a child care workforce grant for a
16 State or Tribal project to develop and ex-
17 pand the workforce of eligible child care
18 providers in child care deserts in the State
19 or Tribal area; or

20 (ii) a child care facility grant for a
21 State or Tribal project through which a
22 State or Tribal entity may use or disburse
23 the grant funds, including by making
24 loans, for the construction, expansion, or
25 renovation of facilities of eligible child care

1 providers, including licensed family child
2 care homes of family child care providers
3 (including combinations of such providers)
4 who are eligible child care providers, in
5 child care deserts in the State or Tribal
6 area.

7 (C) PERIOD OF GRANTS.—The Secretary
8 shall make a grant under this paragraph for a
9 period of not more than 5 years.

10 (2) APPLICATION.—To be eligible to receive a
11 grant under this subsection, a State or Tribal entity
12 shall submit an application to the Secretary for a
13 project described in paragraph (1) at such time, in
14 such manner, and containing a plan that contains
15 such information related to the project as the Sec-
16 retary may reasonably require, including—

17 (A) information identifying the lead State
18 agency that will administer the grant as deter-
19 mined by the Governor of the State, including
20 whether the lead agency will be different from
21 the lead agency referred to in section 658D of
22 the Child Care and Development Block Grant
23 Act of 1990 (42 U.S.C. 9858b), or cor-
24 responding information for a lead Tribal agency
25 in the case of a Tribal area;

1 (B) in the case of a child care workforce
2 grant—

3 (i) information specifying how the
4 project carried out under the grant will in-
5 crease the number of individuals attaining
6 stackable and portable credentials in child
7 care or early childhood education;

8 (ii) information describing how the
9 State or Tribal agency will emphasize the
10 provision of—

11 (I) outreach to individuals who
12 do not have degrees from postsec-
13 ondary educational institutions, re-
14 garding career pathways to careers in
15 child care or early childhood edu-
16 cation; and

17 (II) outreach to individuals who
18 seek a career working with children,
19 but who have not completed the re-
20 quirements for, or cannot afford to
21 obtain, a degree from a postsecondary
22 educational institution in education,
23 child care, or early childhood edu-
24 cation;

1 (iii) information describing how the
2 project will provide assistance, including
3 assistance described in paragraph (3)(A),
4 to individuals—

5 (I) who are pursuing or with
6 such project assistance would pursue
7 secondary education, postsecondary
8 education, or training, that leads to a
9 recognized postsecondary credential
10 (as defined in section 3 of the Work-
11 force Innovation Opportunity Act (29
12 U.S.C. 3102)), and that is eligible for
13 support under the Carl D. Perkins
14 Career and Technical Education Act
15 of 2006 (20 U.S.C. 2301 et seq.) or
16 the Workforce Innovation and Oppor-
17 tunity Act (29 U.S.C. 3101 et seq.),
18 to enable the individuals to success-
19 fully complete the education or train-
20 ing involved; or

21 (II) who are pursuing or with
22 such project assistance would pursue
23 secondary education, postsecondary
24 education, or training, that meets
25 such requirements as the State or

1 Tribal entity shall specify, even if the
2 education or training does not lead to
3 credit toward such a recognized post-
4 secondary credential or a degree from
5 a postsecondary educational institu-
6 tion;

7 (iv) information describing how the
8 project will—

9 (I) increase the availability of
10 quality child care provided by eligible
11 child care providers in child care
12 deserts (referred to in this clause as
13 “target child care”) in the State or
14 Tribal area;

15 (II) address the affordability of
16 target child care; and

17 (III) address the provision of tar-
18 get child care during nontraditional
19 hours;

20 (v) information describing how the
21 project will increase access to quality child
22 care provided by eligible child care pro-
23 viders in centers or other child care facili-
24 ties;

1 (vi) information describing how the
2 project will enhance retention or compensa-
3 tion of eligible child care providers; and

4 (vii) a description of how the State
5 agency or Tribal entity will—

6 (I) coordinate activities carried
7 out under the child care workforce
8 grant with activities carried out under
9 the Carl D. Perkins Career and Tech-
10 nical Education Act of 2006 (20
11 U.S.C. 2301 et seq.) and the Work-
12 force Innovation and Opportunity Act
13 (29 U.S.C. 3101 et seq.) to support
14 education and training described in
15 clause (iii)(I);

16 (II) leverage funds provided
17 under the Acts specified in subclause
18 (I) to support that education and
19 training; and

20 (III) utilize, and encourage indi-
21 vidual participants in projects sup-
22 ported under this subsection to utilize,
23 available Federal and State financial
24 assistance, including assistance avail-
25 able under the Workforce Innovation

1 and Opportunity Act (29 U.S.C. 3101
2 et seq.), education assistance benefits
3 available to veterans, and Federal Pell
4 Grants available under section 401 of
5 the Higher Education Act of 1965 (20
6 U.S.C. 1070a), prior to using assist-
7 ance made available under this Act;
8 and

9 (C) in the case of a child care facility
10 grant—

11 (i) information, with respect to the
12 child care facility project involved, de-
13 scribed in clause (v) of subparagraph (B);

14 (ii) information on how the State or
15 Tribal entity will use the grant funds to
16 expand the supply of family child care pro-
17 viders (including combinations of such pro-
18 viders); and

19 (iii) information describing how the
20 project will—

21 (I) directly and indirectly, in-
22 crease the availability of quality child
23 care provided by eligible child care
24 providers in child care deserts (re-
25 ferred to in this clause as “target

1 child care”) in the State or Tribal
2 area, including through the construc-
3 tion, expansion, or renovation of child
4 care facilities, including center-based
5 child care facilities and licensed family
6 child care homes;

7 (II) address the affordability of
8 target child care; and

9 (III) address the provision of tar-
10 get child care during nontraditional
11 hours.

12 (3) USE OF FUNDS.—

13 (A) CHILD CARE WORKFORCE GRANTS.—A
14 State or Tribal entity that receives a child care
15 workforce grant under paragraph (1)(B)(i) may
16 use the funds made available through the grant
17 to support programs that assist individuals in
18 obtaining the education or training described in
19 paragraph (2)(B)(iii)(I), or education or train-
20 ing described in paragraph (2)(B)(iii)(II), in-
21 cluding using the funds to defray any of the fol-
22 lowing costs of related instruction:

23 (i) Tuition and fees.

1 (ii) Cost of textbooks, equipment, cur-
2 riculum development, and other required
3 educational materials.

4 (iii) Cost of creating or expanding ca-
5 pacity for statewide, regional, or local child
6 care resource and referral organizations, or
7 similar entities, to conduct outreach, tech-
8 nical assistance, or State-recognized and
9 credentialed training.

10 (iv) Cost of any other item or service
11 determined by the State or Tribal entity to
12 be necessary.

13 (B) CHILD CARE FACILITY GRANTS.—A
14 State or Tribal entity that receives a child care
15 facility grant under paragraph (1)(B)(ii) may
16 use the funds made available through the grant
17 to increase the availability of quality child care
18 as described in paragraph (2)(C)(iii)(I) by con-
19 structing, expanding, or renovating child care
20 facilities, including using the funds to defray
21 any of the following costs:

22 (i) Cost of equipment or materials.

23 (ii) Cost of construction, expansion, or
24 renovation.

1 (iii) Cost of any other item or service
2 determined by the State or Tribal entity to
3 be necessary.

4 (4) ADMINISTRATIVE COSTS.—The State or
5 Tribal entity that receives a grant under paragraph
6 (1) may use not more than 10 percent of the grant
7 funds for administrative costs relating to carrying
8 out a project described in paragraph (1).

9 (c) FEDERAL SHARE.—

10 (1) IN GENERAL.—The Federal share of the
11 cost described in subsection (b)(1) shall be 50 per-
12 cent.

13 (2) NON-FEDERAL SHARE.—The State or Trib-
14 al entity may make the non-Federal share avail-
15 able—

16 (A) in cash or in kind, fairly evaluated, in-
17 cluding plant, equipment, or services; and

18 (B) directly or through donations from
19 public or private entities (other than recipients
20 of assistance from a State or Tribal entity
21 under this section).

22 (d) EVALUATION AND REPORT.—

23 (1) EVALUATION.—The Secretary shall conduct
24 an evaluation of the activities carried out under the
25 grants, which shall include an analysis of—

1 (A) with respect to the child care work-
2 force grants—

3 (i) the characteristics of the individ-
4 uals benefitting from the grants;

5 (ii) the progress of such individuals in
6 attaining stackable, portable credentials;
7 and

8 (iii) the progress the States and Trib-
9 al entities have achieved through the
10 grants in enhancing retention and com-
11 pensation of eligible child care providers;

12 (B) with respect to the child care facilities
13 grants, the number and location of facilities
14 benefitting from the grants; and

15 (C) the overall impact of the grants made
16 under this section on the number and con-
17 centration of child care deserts across the Na-
18 tion.

19 (2) REPORT.—Not later than 2 years after the
20 end of the grant period of the first child care work-
21 force or child care facility grant the Secretary makes
22 under subsection (b)(1), the Secretary shall submit
23 a report to Congress that contains the findings of
24 the evaluation.

1 (e) POLICY OF THE UNITED STATES.—It is the pol-
2 icy of the United States that funds made available to a
3 State or Tribal entity under this section should be used
4 to supplement and not supplant other funds available
5 under the Carl D. Perkins Career and Technical Edu-
6 cation Act of 2006 (20 U.S.C. 2301 et seq.) and the
7 Workforce Innovation and Opportunity Act (29 U.S.C.
8 3101 et seq.) and other Federal and State funds available
9 to the State or Tribal entity to support programs to de-
10 velop or expand the child care workforce or to construct,
11 expand, or renovate child care facilities.

12 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated to carry out
14 this Act a total of \$100,000,000 for fiscal years 2024
15 through 2030.

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