

117TH CONGRESS  
1ST SESSION

# H. R. 540

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Mr. HARDER of California (for himself and Ms. HERRERA BEUTLER) introduced the following bill; which was referred to the Committee on Education and Labor

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## 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 2021”.

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

7 (a) DEFINITIONS.—In this Act:

8 (1) CHILD CARE AND DEVELOPMENT BLOCK

9 GRANT ACT OF 1990 DEFINITIONS.—The terms “eli-

1 gible child care provider”, “Indian Tribe”, “Tribal  
2 organization”, and “State” have the meanings given  
3 the terms in section 658P of the Child Care and De-  
4 velopment Block Grant Act of 1990 (42 U.S.C.  
5 9858n).

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

8 (A) an area—

9 (i) within a census tract; and

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

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

21 (3) FAMILY CHILD CARE PROVIDER.—The term  
22 “family child care provider” means such a provider  
23 that is described in paragraph (6)(A) of section  
24 658P of the Child Care and Development Block  
25 Grant Act of 1990.

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

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

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

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

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

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

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

2 (1) GRANTS.—

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

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

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

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

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

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

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

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

24 (B) in the case of a child care workforce  
25 grant—

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

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

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

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

23 (iii) information describing how the  
24 project will provide assistance, including

1 assistance described in paragraph (3)(A),  
2 to individuals—

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

19 (II) who are pursuing or with  
20 such project assistance would pursue  
21 secondary education, postsecondary  
22 education, or training, that meets  
23 such requirements as the State or  
24 Tribal entity shall specify, even if the  
25 education or training does not lead to

1 credit toward such a recognized post-  
2 secondary credential or a degree from  
3 a postsecondary educational institu-  
4 tion;

5 (iv) information describing how the  
6 project will—

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

13 (II) address the affordability of  
14 target child care; and

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

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

23 (vi) information describing how the  
24 project will enhance retention or compensa-  
25 tion of eligible child care providers; and



1 (vii) a description of how the State  
2 agency or Tribal entity will—

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

13 (II) leverage funds provided  
14 under the Acts specified in subclause  
15 (I) to support that education and  
16 training; and

17 (III) utilize, and encourage indi-  
18 vidual participants in projects sup-  
19 ported under this subsection to utilize,  
20 available Federal and State financial  
21 assistance, including assistance avail-  
22 able under the Workforce Innovation  
23 and Opportunity Act (29 U.S.C. 3101  
24 et seq.), education assistance benefits  
25 available to veterans, and Federal Pell

1 Grants available under section 401 of  
2 the Higher Education Act of 1965 (20  
3 U.S.C. 1070a), prior to using assist-  
4 ance made available under this Act;  
5 and

6 (C) in the case of a child care facility  
7 grant—

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

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

16 (iii) information describing how the  
17 project will—

18 (I) directly and indirectly, in-  
19 crease the availability of quality child  
20 care provided by eligible child care  
21 providers in child care deserts (re-  
22 ferred to in this clause as “target  
23 child care”) in the State or Tribal  
24 area, including through the construc-  
25 tion, expansion, or renovation of child

1 care facilities, including center-based  
2 child care facilities and licensed family  
3 child care homes;

4 (II) address the affordability of  
5 target child care; and

6 (III) address the provision of tar-  
7 get child care during nontraditional  
8 hours.

9 (3) USE OF FUNDS.—

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

20 (i) Tuition and fees.

21 (ii) Cost of textbooks, equipment, cur-  
22 riculum development, and other required  
23 educational materials.

24 (iii) Cost of creating or expanding ca-  
25 pacity for statewide, regional, or local child

1 care resource and referral organizations, or  
2 similar entities, to conduct outreach, tech-  
3 nical assistance, or State-recognized and  
4 credentialed training.

5 (iv) Cost of any other item or service  
6 determined by the State or Tribal entity to  
7 be necessary.

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

17 (i) Cost of equipment or materials.

18 (ii) Cost of construction, expansion, or  
19 renovation.

20 (iii) Cost of any other item or service  
21 determined by the State or Tribal entity to  
22 be necessary.

23 (4) ADMINISTRATIVE COSTS.—The State or  
24 Tribal entity that receives a grant under paragraph  
25 (1) may use not more than 10 percent of the grant

1 funds for administrative costs relating to carrying  
2 out a project described in paragraph (1).

3 (c) FEDERAL SHARE.—

4 (1) IN GENERAL.—The Federal share of the  
5 cost described in subsection (b)(1) shall be 50 per-  
6 cent.

7 (2) NON-FEDERAL SHARE.—The State or Trib-  
8 al entity may make the non-Federal share avail-  
9 able—

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

12 (B) directly or through donations from  
13 public or private entities (other than recipients  
14 of assistance from a State or Tribal entity  
15 under this section).

16 (d) EVALUATION AND REPORT.—

17 (1) EVALUATION.—The Secretary shall conduct  
18 an evaluation of the activities carried out under the  
19 grants, which shall include an analysis of—

20 (A) with respect to the child care work-  
21 force grants—

22 (i) the characteristics of the individ-  
23 uals benefitting from the grants;

1 (ii) the progress of such individuals in  
2 attaining stackable, portable credentials;  
3 and

4 (iii) the progress the States and Trib-  
5 al entities have achieved through the  
6 grants in enhancing retention and com-  
7 pensation of eligible child care providers;

8 (B) with respect to the child care facilities  
9 grants, the number and location of facilities  
10 benefitting from the grants; and

11 (C) the overall impact of the grants made  
12 under this section on the number and con-  
13 centration of child care deserts across the Na-  
14 tion.

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

21 (e) POLICY OF THE UNITED STATES.—It is the pol-  
22 icy of the United States that funds made available to a  
23 State or Tribal entity under this section should be used  
24 to supplement and not supplant other funds available  
25 under the Carl D. Perkins Career and Technical Edu-

1 cation Act of 2006 (20 U.S.C. 2301 et seq.) and the  
2 Workforce Innovation and Opportunity Act (29 U.S.C.  
3 3101 et seq.) and other Federal and State funds available  
4 to the State or Tribal entity to support programs to de-  
5 velop or expand the child care workforce or to construct,  
6 expand, or renovate child care facilities.

7 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

8       There is authorized to be appropriated to carry out  
9 this Act a total of \$100,000,000 for fiscal years 2022  
10 through 2028.

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