

[DISCUSSION DRAFT]118TH CONGRESS
2^D SESSION**H. R.** _____

To provide assistance with respect to child care infrastructure.

IN THE HOUSE OF REPRESENTATIVES

Ms. CLARK of Massachusetts introduced the following bill; which was referred to the Committee on _____

A BILL

To provide assistance with respect to child care infrastructure.

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 Infrastruc-
5 ture Act”.

6 **SEC. 2. INFRASTRUCTURE GRANTS TO IMPROVE CHILD**
7 **CARE SAFETY.**

8 (a) IN GENERAL.—Part A of title IV of the Social
9 Security Act (42 U.S.C. 601 et seq.) is amended by insert-
10 ing after section 418 the following:

1 **“SEC. 418A. INFRASTRUCTURE GRANTS TO IMPROVE CHILD**
2 **CARE SAFETY.**

3 “(a) **SHORT TITLE.**—This section may be cited as the
4 ‘Infrastructure Grants To Improve Child Care Safety Act’.

5 “(b) **NEEDS ASSESSMENTS.**—

6 “(1) **IMMEDIATE NEEDS ASSESSMENT.**—

7 “(A) **IN GENERAL.**—The Secretary shall
8 conduct an immediate needs assessment of the
9 condition of child care facilities throughout the
10 United States (with priority given to child care
11 programs that receive Federal funds), that—

12 “(i) considers the infrastructure
13 needs, as of the date of the enactment of
14 this section, of a variety of child care cen-
15 ters, including home-based centers; and

16 “(ii) considers how the COVID–19
17 pandemic has impacted specific metrics,
18 such as—

19 “(I) capacity;

20 “(II) investments in infrastruc-
21 ture changes;

22 “(III) the types of infrastructure
23 changes centers need to implement
24 and their associated costs;

25 “(IV) the price of tuition; and

1 “(V) any changes or anticipated
2 changes in the number and demo-
3 graphic of children attending.

4 “(B) TIMING.—The immediate needs as-
5 sessment should occur simultaneously with the
6 first grant-making cycle under subsection (c).

7 “(C) REPORT.—Not later than 1 year
8 after the date of the enactment of this section,
9 the Secretary shall submit to the Congress a re-
10 port containing the result of the needs assess-
11 ment conducted under subparagraph (A), and
12 make the assessment publicly available.

13 “(2) LONG-TERM NEEDS ASSESSMENT.—

14 “(A) IN GENERAL.—The Secretary shall
15 conduct a long-term assessment of the condition
16 of child care facilities throughout the United
17 States (with priority given to child care pro-
18 grams that receive Federal funds). The assess-
19 ment may be conducted through representative
20 random sampling.

21 “(B) REPORT.—Not later than 4 years
22 after the date of the enactment of this section,
23 the Secretary shall submit to the Congress a re-
24 port containing the results of the needs assess-

1 ment conducted under subparagraph (A), and
2 make the assessment publicly available.

3 “(c) CHILD CARE FACILITIES GRANTS.—

4 “(1) GRANTS TO STATES.—

5 “(A) IN GENERAL.—The Secretary may
6 award grants to States for the purpose of ac-
7 quiring, constructing, renovating, or improving
8 child care facilities.

9 “(B) PRIORITIZED FACILITIES.—The Sec-
10 retary may not award a grant to a State under
11 subparagraph (A) unless the State involved
12 agrees, with respect to the use of grant funds,
13 to prioritize—

14 “(i) child care facilities primarily serv-
15 ing low-income populations;

16 “(ii) child care facilities primarily
17 serving children who have not attained the
18 age of 5 years with a significant percent-
19 age of infants and toddlers enrolled;

20 “(iii) child care facilities that—

21 “(I) are currently unable to serve
22 young children, had to significantly
23 reduce capacity, or are unable to serve
24 more children, due to factors such as

1 the inadequate condition, quality, or
2 availability of facilities; or

3 “(II) are seeking to build capac-
4 ity and expand the number of children
5 served;

6 “(iv) child care facilities that operate
7 under nontraditional hours; and

8 “(v) child care facilities located in
9 rural or underserved communities.

10 “(C) DURATION OF GRANTS.—A grant
11 under this subsection shall be awarded for a pe-
12 riod of not more than 5 years.

13 “(D) APPLICATION.—To seek a grant
14 under this subsection, a State shall submit to
15 the Secretary an application at such time, in
16 such manner, and containing such information
17 as the Secretary may require, which informa-
18 tion shall—

19 “(i) be disaggregated as the Secretary
20 may require; and

21 “(ii) include a plan to use a portion of
22 the grant funds to report back to the Sec-
23 retary on the impact of using the grant
24 funds to improve child care facilities.

1 “(E) PRIORITY.—In selecting States for
2 grants under this subsection, the Secretary
3 shall prioritize States that—

4 “(i) plan to improve center-based and
5 home-based child care programs, which
6 may include a combination of child care
7 and early Head Start or Head Start pro-
8 grams;

9 “(ii) aim to meet specific needs across
10 urban, suburban, or rural areas as deter-
11 mined by the State, such as prioritizing
12 improvements to programs that serve chil-
13 dren from families with low incomes or
14 children with disabilities; and

15 “(iii) show evidence of collaboration
16 with—

17 “(I) local government officials;

18 “(II) other State agencies;

19 “(III) nongovernmental organiza-
20 tions, such as—

21 “(aa) organizations within
22 the philanthropic community;

23 “(bb) certified community
24 development financial institutions
25 as defined in section 103 of the

1 Community Development Bank-
2 ing and Financial Institutions
3 Act of 1994 (12 U.S.C. 4702)
4 that have been certified by the
5 Community Development Finan-
6 cial Institutions Fund (12 U.S.C.
7 4703); and

8 “(cc) organizations that
9 have demonstrated experience
10 in—

11 “(AA) providing tech-
12 nical or financial assistance
13 for the acquisition, construc-
14 tion, renovation, or improve-
15 ment of child care facilities;

16 “(BB) providing tech-
17 nical, financial, or manage-
18 rial assistance to child care
19 providers; and

20 “(CC) securing private
21 sources of capital financing
22 for child care facilities or
23 other low-income community
24 development projects; and

1 “(IV) local community organiza-
2 tions, such as—

3 “(aa) child care providers;

4 “(bb) community care agen-
5 cies;

6 “(cc) resource and referral
7 agencies; and

8 “(dd) unions.

9 “(F) CONSIDERATION.—In selecting States
10 for grants under this subsection, the Secretary
11 shall consider—

12 “(i) whether the applicant—

13 “(I) has or is developing a plan
14 to address child care facility needs;
15 and

16 “(II) demonstrates the capacity
17 to execute such a plan; and

18 “(ii) after the date the report required
19 by subsection (b)(1)(C) is submitted to the
20 Congress, the needs of the applicants
21 based on the results of the assessment.

22 “(G) DIVERSITY OF AWARDS.—In award-
23 ing grants under this section, the Secretary
24 shall give equal consideration to States with
25 varying capacities under subparagraph (F).

1 “(H) MATCHING REQUIREMENT.—

2 “(i) IN GENERAL.—As a condition for
3 the receipt of a grant under subparagraph
4 (A), a State that is not an Indian tribe
5 shall agree to make available (directly or
6 through donations from public or private
7 entities) contributions with respect to the
8 cost of the activities to be carried out pur-
9 suant to subparagraph (A), which may be
10 provided in cash or in kind, in an amount
11 equal to 10 percent of the funds provided
12 through the grant.

13 “(ii) DETERMINATION OF AMOUNT
14 CONTRIBUTED.—Contributions required by
15 clause (i) may include—

16 “(I) amounts provided by the
17 Federal Government, or services as-
18 sisted or subsidized to any significant
19 extent by the Federal Government; or

20 “(II) philanthropic or private-sec-
21 tor funds.

22 “(I) REPORT.—Not later than 1 year after
23 the last day of the grant period, a State receiv-
24 ing a grant under this paragraph shall submit

1 a report to the Secretary as described in sub-
2 paragraph (D)—

3 “(i) to determine the effects of the
4 grant in constructing, renovating, or im-
5 proving child care facilities, including any
6 changes in response to the COVID–19
7 pandemic and any effects on access to and
8 quality of child care; and

9 “(ii) to provide such other information
10 as the Secretary may require.

11 “(J) AMOUNT LIMIT.—The annual amount
12 of a grant under this paragraph may not exceed
13 \$35,000,000.

14 “(2) GRANTS TO INTERMEDIARY ORGANIZA-
15 TIONS.—

16 “(A) IN GENERAL.—The Secretary may
17 award grants to intermediary organizations,
18 such as certified community development finan-
19 cial institutions, tribal organizations, or other
20 organizations with demonstrated experience in
21 child care facilities financing, for the purpose of
22 providing technical assistance, capacity-build-
23 ing, and financial products to develop or finance
24 child care facilities.

1 “(B) APPLICATION.—A grant under this
2 paragraph may be made only to intermediary
3 organizations that submit to the Secretary an
4 application at such time, in such manner, and
5 containing such information as the Secretary
6 may require.

7 “(C) PRIORITY.—In selecting intermediary
8 organizations for grants under this subsection,
9 the Secretary shall prioritize intermediary orga-
10 nizations that—

11 “(i) demonstrate experience in child
12 care facility financing or related commu-
13 nity facility financing;

14 “(ii) demonstrate the capacity to as-
15 sist States and local governments in devel-
16 oping child care facilities and programs;

17 “(iii) demonstrate the ability to lever-
18 age grant funding to support financing
19 tools to build the capacity of child care
20 providers, such as through credit enhance-
21 ments;

22 “(iv) propose to focus on child care
23 facilities that operate under nontraditional
24 hours;

1 “(v) propose to meet a diversity of
2 needs across States and across urban, sub-
3 urban, and rural areas at varying types of
4 center-based, home-based, and other child
5 care settings, including early care pro-
6 grams located in freestanding buildings or
7 in mixed-use properties; and

8 “(vi) propose to focus on child care
9 facilities primarily serving low-income pop-
10 ulations and children who have not at-
11 tained the age of 5 years.

12 “(D) AMOUNT LIMIT.—The amount of a
13 grant under this paragraph may not exceed
14 \$10,000,000.

15 “(3) REPORT.—Not later than the end of fiscal
16 year 2029, the Secretary shall submit to the Con-
17 gress a report on the effects of the grants provided
18 under this subsection, and make the report publicly
19 accessible.

20 “(d) LABOR STANDARDS FOR ALL GRANTS.—The
21 Secretary shall require that each entity, including grantees
22 and subgrantees, that applies for an infrastructure grant
23 for constructing, renovating, or improving child care facili-
24 ties, including adapting, reconfiguring, or expanding such
25 facilities, which is funded in whole or in part under this

1 section, shall include in its application written assurance
2 that all laborers and mechanics employed by contractors
3 or subcontractors in the performance of construction, al-
4 ternation or repair, as part of such project, shall be paid
5 wages at rates not less than those prevailing on similar
6 work in the locality as determined by the Secretary of
7 Labor in accordance with subchapter IV of chapter 31 of
8 part A of subtitle II of title 40, United States Code (com-
9 monly referred to as the ‘Davis-Bacon Act’), and with re-
10 spect to the labor standards specified in such subchapter
11 the Secretary of Labor shall have the authority and func-
12 tions set forth in Reorganization Plan Numbered 14 of
13 1950 (15 Fed. Reg. 3176; 5 U.S.C. App.).

14 “(e) LIMITATIONS ON AUTHORIZATION OF APPRO-
15 PRIATIONS.—

16 “(1) IN GENERAL.—To carry out this section,
17 there is authorized to be appropriated
18 \$10,000,000,000 for fiscal year 2025, which shall
19 remain available through fiscal year 2029.

20 “(2) RESERVATIONS OF FUNDS.—

21 “(A) INDIAN TRIBES.—The Secretary shall
22 reserve 3 percent of the total amount made
23 available to carry out this section, for payments
24 to Indian tribes.

1 “(B) TERRITORIES.—The Secretary shall
2 reserve 3 percent of the total amount made
3 available to carry out this section, for payments
4 to territories.

5 “(3) GRANTS FOR INTERMEDIARY ORGANIZA-
6 TIONS.—Not less than 10 percent and not more
7 than 15 percent of the total amount made available
8 to carry out this section may be used to carry out
9 subsection (c)(2).

10 “(4) LIMITATION ON USE OF FUNDS FOR
11 NEEDS ASSESSMENTS.—Not more than \$5,000,000
12 of the amounts made available to carry out this sec-
13 tion may be used to carry out subsection (b).

14 “(f) DEFINITION OF STATE.—In this section, the
15 term ‘State’ has the meaning provided in section 419, ex-
16 cept that it includes the Commonwealth of the Northern
17 Mariana Islands and any Indian tribe.”.

18 (b) EXEMPTION OF TERRITORY GRANTS FROM LIM-
19 TATION ON TOTAL PAYMENTS TO THE TERRITORIES.—
20 Section 1108(a)(2) of such Act (42 U.S.C. 1308(a)(2))
21 is amended by inserting “418A(c),” after “413(f),”.