

1 perts, trade associations, labor unions, and other or-
2 ganizations representing child care providers.

3 “(2) MODELS.—The Secretary may use funds
4 made available to the Secretary for administrative
5 purposes to establish national technology models for
6 State Child Care Information Networks, and guid-
7 ance on development and establishment of interoper-
8 able data governance systems that address privacy
9 and allow for sharing and storing data across infor-
10 mation systems, including guidance on alignment
11 with State child care consumer education websites.

12 “(3) DATA EXCHANGE STANDARDS AND INTER-
13 OPERABILITY.—

14 “(A) DESIGNATION AND USE OF DATA EX-
15 CHANGE STANDARDS.—

16 “(i) DESIGNATION.—The Secretary
17 shall, in consultation with an interagency
18 work group established by the Office of
19 Management and Budget and considering
20 State government perspectives, designate
21 data exchange standards for necessary cat-
22 egories of information that the Child Care
23 Information Network is required to elec-
24 tronically exchange with another agency
25 under applicable Federal law.

1 “(ii) DATA EXCHANGE STANDARDS
2 MUST BE NONPROPRIETARY AND INTER-
3 OPERABLE.—The data exchange standards
4 designated under clause (i) shall, to the ex-
5 tent practicable, be nonproprietary and
6 interoperable.

7 “(iii) OTHER REQUIREMENTS.—In
8 designating data exchange standards under
9 this subparagraph, the Secretary shall, to
10 the extent practicable, incorporate—

11 “(I) interoperable standards de-
12 veloped and maintained by an inter-
13 national voluntary consensus stand-
14 ards body, as defined by the Office of
15 Management and Budget;

16 “(II) interoperable standards de-
17 veloped and maintained by intergov-
18 ernmental partnerships, such as the
19 National Information Exchange
20 Model; and

21 “(III) interoperable standards
22 developed and maintained by Federal
23 entities with authority over con-
24 tracting and financial assistance.

1 “(B) DATA EXCHANGE STANDARDS FOR
2 FEDERAL REPORTING.—

3 “(i) DESIGNATION.—The Secretary
4 shall, in consultation with an interagency
5 work group established by the Office of
6 Management and Budget, and considering
7 State government perspectives, designate
8 data exchange standards to govern Federal
9 reporting and exchange requirements
10 under applicable Federal law.

11 “(ii) REQUIREMENTS.—The data ex-
12 change reporting standards required by
13 clause (i) shall, to the extent practicable—

14 “(I) incorporate a widely accept-
15 ed, nonproprietary, searchable, com-
16 puter-readable format;

17 “(II) be consistent with and im-
18 plement applicable accounting prin-
19 ciples;

20 “(III) be implemented in a man-
21 ner that is cost-effective and improves
22 program efficiency and effectiveness;
23 and

24 “(IV) be capable of being contin-
25 ually upgraded as necessary.

1 “(iii) INCORPORATION OF NONPROPRI-
2 ETARY STANDARDS.—In designating data
3 exchange standards under this subpara-
4 graph, the Secretary shall, to the extent
5 practicable, incorporate existing nonpropi-
6 etary standards.

7 “(iv) RULE OF INTERPRETATION.—
8 Nothing in this subparagraph shall be con-
9 strued to require a change to existing data
10 exchange standards for Federal reporting
11 under this section if the Secretary finds
12 the standards to be effective and efficient.

13 “(4) STATE REQUIREMENTS.—A State meets
14 the requirements of this paragraph with respect to
15 a quarter if—

16 “(A) during the quarter, the State has
17 maintained an up-to-date, publicly available
18 compilation of child care providers who are reg-
19 istered, licensed, or regulated by the State (in
20 this section referred to as the ‘State Child Care
21 Information Network’), that includes, with re-
22 spect to each such provider—

23 “(i) where the provider is located, and
24 a description of any fees imposed by the

1 provider and the services offered by the
2 provider;

3 “(ii) whether the provider is providing
4 child care services that may be funded
5 under section 418;

6 “(iii) the hours of operation of the
7 provider;

8 “(iv) whether the provider offers child
9 care to the general public, and if so, where
10 an application for child care services from
11 the provider may be obtained, or a direct
12 link to such an application;

13 “(v) the total number of children, by
14 age group, for whom the provider is pro-
15 viding child care services, and how many
16 openings are available with the provider by
17 age group;

18 “(vi) whether the provider has a wait-
19 ing list for child care services, and if so,
20 the average length of time parents are on
21 the waiting list before being offered child
22 care services and how to join the list;

23 “(vii) the type of child care (such as
24 family child care or center-based care) pro-

1 vided, differentiating between licensed and
2 license-exempt child care providers; and

3 “(viii) information about the lan-
4 guages spoken by staff of the child care
5 provider, and such other information as
6 the Secretary may require to help parents
7 determine whether the provider can meet
8 their child care needs and the parents can
9 enroll a child in care, such as quality indi-
10 cators or accreditation status;

11 “(B) the State Child Care Information
12 Network—

13 “(i) by grant or contract, has been
14 maintained or jointly maintained by—

15 “(I) a child care resource and re-
16 ferral agency that has operated in the
17 last fiscal year;

18 “(II) a local child care resource
19 and referral agency that has operated
20 in the most recently completed fiscal
21 year and has applied to become a
22 State Child Information Network; or

23 “(III) the lead agency, the State
24 licensing entity, or other appropriate
25 entities;

1 “(ii) may have been maintained in co-
2 ordination with, or jointly with, other fed-
3 erally funded systems, so long as there is
4 no supplantation of funding; and

5 “(iii) has been made—

6 “(I) publicly available, including
7 through the Internet and by tele-
8 phone, to families seeking information
9 about obtaining child care services;
10 and

11 “(II) accessible to State, county,
12 and other government staff involved
13 in the provision of child care;

14 “(C) the State requires each provider listed
15 in the State Child Care Information Network
16 (or, at the option of the provider, another entity
17 designated by the provider) to update the infor-
18 mation described in clauses (v) and (vi) of sub-
19 paragraph (A) on a weekly basis, and to update
20 all other information described in subparagraph
21 (A) not less frequently than quarterly, and en-
22 sures that publicly available information in the
23 State Child Care Information Network indicates
24 when the slot availability information about the
25 provider was most recently updated; and

1 “(D) the State has submitted to the Sec-
2 retary a plan that includes an estimate of the
3 total capacity of licensed, regulated, and reg-
4 istered provider slots, and a description of the
5 eligible expenditures the State will make in the
6 quarter, which may be submitted with other
7 plans required by the Secretary.

8 “(b) FUNDING STATE CHILD CARE INFORMATION
9 NETWORKS.—

10 “(1) START-UP FUNDS.—

11 “(A) GRANTS.—For each fiscal year speci-
12 fied in subparagraph (C), the Secretary shall
13 make grants to lead agencies to conduct activi-
14 ties related to the planning and implementation
15 of State Child Care Information Networks,
16 which may include scaling systems such as non-
17 profit community-based referral registries,
18 staffed Family Child Care Networks, and child
19 care resource and referral systems.

20 “(B) DISTRIBUTION.—The Secretary shall
21 distribute the grant funds to the States that are
22 not territories in accordance with the formula
23 referred to in section 418(a)(2)(B), and to the
24 territories according to relative need.

1 “(C) APPROPRIATION.—Out of any money
2 in the Treasury not otherwise appropriated,
3 there are appropriated to the Secretary
4 \$200,000,000 for each of fiscal years 2022 and
5 2023 for grants under this paragraph.

6 “(2) MATCHING GRANTS.—

7 “(A) IN GENERAL.—The Secretary shall
8 pay to each State that meets the requirements
9 of subsection (a)(4) with respect to a calendar
10 quarter in any of fiscal years 2022 through
11 2026 an amount equal to 75 percent of the eli-
12 gible expenditures of the State in the quarter,
13 subject to subsection (d)(3).

14 “(B) ELIGIBLE EXPENDITURES.—In this
15 section, the term ‘eligible expenditures’ means
16 all of the following, but only to the extent
17 supplementing, and not supplanting, funds
18 made available under other law:

19 “(i) STATE CHILD CARE INFORMATION
20 NETWORK.—Expenditures to carry out
21 subsection (a)(4).

22 “(ii) EASE OF APPLICATION FOR SUB-
23 SIDIZED CHILD CARE CERTIFICATE.—Ex-
24 penditures to establish an option, as indi-
25 cated by the State in a plan describing

1 planned eligible expenditures (which may
2 be submitted with other plans required by
3 the Secretary)—

4 “(I) for a family to file an appli-
5 cation for a subsidized child care cer-
6 tificate with a child care provider, for
7 the provider to submit the application
8 to the State for processing, or for the
9 lead agency, a local child care re-
10 source and referral agency, or other
11 entity under grant or contract to re-
12 spond to the family;

13 “(II) to establish a statewide
14 common application for child care,
15 which—

16 “(aa) allows an application
17 with respect to a child to be sub-
18 mitted simultaneously to multiple
19 child care providers;

20 “(bb) allows the application
21 to be for a particular site and
22 schedule;

23 “(cc) is considered an appli-
24 cation directly to each such pro-
25 vider involved for purposes of any

1 decision of the provider regarding
2 a wait list or an open slot based
3 on the application date;

4 “(dd) safeguards confiden-
5 tial information; and

6 “(ee) allows for such a pro-
7 vider to seek and collect informa-
8 tion not on the common applica-
9 tion so that the provider may de-
10 termine the priority to be given
11 to the applicant on any waiting
12 list or for other specialized ad-
13 mission criteria such as disability
14 services; or

15 “(III) to enable child care pro-
16 viders to respond to families through
17 other application methods.

18 “(iii) EXPENDITURES FOR TECH-
19 NOLOGY NEEDED TO PARTICIPATE IN THE
20 STATE CHILD CARE INFORMATION NET-
21 WORK.—Expenditures for child care pro-
22 viders, lead agencies, and contractors to
23 support system-building and system-imple-
24 mentation activities associated with the
25 State Child Care Information Network, in-

1 including data interoperability and the in-
2 stallation and maintenance of equipment
3 and software needed to develop, implement,
4 maintain, and provide electronic access to
5 the State Child Care Information Network.

6 “(iv) PARTICIPATION INCENTIVES.—
7 Expenditures to provide financial incen-
8 tives and support to child care providers
9 for whom participating in the State Child
10 Care Information Network would be costly
11 or time consuming. In providing the incen-
12 tives, a lead agency—

13 “(I) shall take into account the
14 differential burden on varying types of
15 providers to ensure that the incentives
16 are sufficient to encourage all types of
17 providers, including family-based pro-
18 viders, to participate in the State
19 Child Care Information Network;

20 “(II) may coordinate with staffed
21 Family Child Care Networks, child
22 care resource and referral organiza-
23 tions, labor unions, labor-management
24 partnerships, or other community-
25 based organizations, to ensure that

1 home-based providers are able to par-
2 ticipate in the State Child Care Infor-
3 mation Network; and

4 “(III) may reimburse coordi-
5 nating partners and other entities for
6 expenses associated with helping pro-
7 viders participate in the Child Care
8 Information Network and provide in-
9 formation required under subsection
10 (a)(4)(A).

11 “(C) APPROPRIATION.—Out of any money
12 in the Treasury not otherwise appropriated,
13 there are appropriated to the Secretary for each
14 of fiscal years 2022 through 2026 such sums as
15 are necessary for grants under this paragraph.

16 “(c) HHS PARTICIPATING CHILD CARE PROVIDER
17 CERTIFICATION.—

18 “(1) IN GENERAL.—The Secretary shall—

19 “(A) maintain current information on child
20 care providers who are qualified to receive the
21 HHS Participating Child Care Provider Certifi-
22 cation for a calendar quarter, and historical in-
23 formation on child care providers who were so
24 qualified for a prior calendar quarter, including
25 a quarter in a prior year, (in this section re-

1 ferred to as the ‘HHS Participating Child Care
2 Provider Certification’) based on the informa-
3 tion submitted by lead agencies;

4 “(B) update the list of providers who are
5 so qualified, 1 month before the end of each
6 quarter, and electronically share with the Inter-
7 nal Revenue Service current and historical in-
8 formation on the providers who are so qualified;
9 and

10 “(C) at the end of each calendar year and
11 on request of any provider listed in the HHS
12 Participating Child Care Provider Certification
13 who has qualified for the certification for an en-
14 tire calendar quarter, provide the provider and
15 the lead agency of the jurisdiction in which the
16 provider is located written documentation of the
17 quarters with respect to which the provider was
18 so qualified.

19 “(2) QUALIFICATIONS.—A child care provider is
20 qualified to receive the HHS Participating Child
21 Care Provider Certification for a calendar quarter if
22 the provider—

23 “(A)(i) is licensed with a State as a pro-
24 vider of child care services, or is in a license-
25 exempt category of providers that meets all

1 health and safety standards and has zero unre-
2 solved violations;

3 “(ii) is providing child care services that
4 may be funded under section 418;

5 “(iii) has submitted to the State Child
6 Care Information Network, on a weekly basis,
7 the information on all available child care slots
8 with the provider required under subsection
9 (a)(4)(A)(v), and the waiting list information
10 required under subsection (a)(4)(A)(vi);

11 “(iv) makes child care slots available to the
12 general public, when available, subject to any
13 clearly explained priority system; and

14 “(v) is in compliance with other require-
15 ments set by the State regarding applications
16 for or inquiries about available child care slots;
17 or

18 “(B) was so qualified for the entire 3-
19 month period preceding the most recent update
20 made under paragraph (1)(B).

21 “(d) ADMINISTRATIVE PROVISIONS.—

22 “(1) ACCURACY CHECKS.—The Secretary shall
23 periodically conduct accuracy checks of randomly
24 sampled child care providers participating in any
25 State Child Care Information Network to determine

1 whether the providers are updating their slot avail-
2 ability on a weekly basis, and if not, estimate the
3 statewide rate at which the providers are doing so.

4 “(2) PRIVACY; SECURITY.—The Secretary shall
5 issue guidance regarding data interoperability (in ac-
6 cordance with the data exchange standards for inter-
7 operability) and the privacy and security of person-
8 ally identifiable information in any State Child Care
9 Information Network.

10 “(3) PENALTY FOR EXCESSIVE ERRORS IN
11 STATE CHILD CARE INFORMATION NETWORK.—The
12 percentage specified in subsection (b)(2)(A) with re-
13 spect to a State shall be 70 percent if—

14 “(A) a check conducted under paragraph
15 (1) of this subsection reveals that the number
16 of child care providers erroneously included or
17 erroneously not included in the State Child
18 Care Information Network is at least 10 per-
19 cent of the number of providers included in the
20 network; and

21 “(B) the State has not submitted to the
22 Secretary a report demonstrating that action
23 has been taken to reduce that error rate to less
24 than 10 percent.

1 “(4) ELIGIBLE EXPENDITURES.—The Secretary
2 shall issue guidance to States which specifies the ex-
3 penditures that will be considered eligible expendi-
4 tures for purposes of this section.

5 “(5) PUBLICATION OF AMOUNT OF ELIGIBLE
6 EXPENDITURES OF EACH STATE.—Before issuing
7 grant awards for fiscal year 2023 or a succeeding
8 fiscal year, the Secretary, in consultation with the
9 States, shall annually publish the amount of eligible
10 expenditures of each State in the preceding fiscal
11 year.

12 “(e) APPROPRIATION.—Out of any funds in the
13 Treasury not otherwise appropriated, there is appro-
14 priated \$50,000,000 for each of fiscal years 2022 through
15 2026 for administrative expenses in carrying out sub-
16 sections (c) and (d).”.

17 **SEC. 132002. INFRASTRUCTURE GRANTS TO IMPROVE**
18 **CHILD CARE SAFETY.**

19 Part A of title IV of the Social Security Act (42
20 U.S.C. 601–619) is further amended by inserting after
21 section 418A the following:

22 **“SEC. 418B. INFRASTRUCTURE GRANTS TO IMPROVE CHILD**
23 **CARE SAFETY.**

24 “(a) CHILD CARE FACILITIES GRANTS.—

25 “(1) GRANTS TO STATES.—

1 “(A) IN GENERAL.—The Secretary shall
2 award grants to States for the purpose of help-
3 ing child care providers acquire, construct, ren-
4 ovate, or improve child care facilities, including
5 adapting, reconfiguring, or expanding facilities.

6 “(B) DURATION OF GRANTS.—The Sec-
7 retary shall award grants under this paragraph
8 within 12 months after the date of the enact-
9 ment of this section, for a period of not more
10 than 5 years.

11 “(C) PLAN APPROVAL REQUIRED BEFORE
12 USING GRANT.—A State to which a grant is
13 made under this paragraph shall not obligate or
14 expend the grant funds unless the State has
15 submitted to the Secretary, and the Secretary
16 has approved, a plan that—

17 “(i) includes an analysis or assess-
18 ment, in such form and manner as the
19 Secretary may require, of the need of the
20 State for child care infrastructure;

21 “(ii) is submitted at such time, in
22 such manner, and containing such other
23 information as the Secretary may require,
24 which information shall—

1 “(I) be disaggregated as the Sec-
2 retary may require; and

3 “(II) include a plan to use a por-
4 tion of the grant funds to report to
5 the Secretary on the effects of using
6 the grant funds to improve child care
7 facilities, including center-based and
8 home-based child care facilities; and

9 “(iii) complies with paragraph (3), if
10 applicable.

11 “(D) REQUIREMENT.—In allocating grants
12 awards under this paragraph, the Secretary
13 shall require approved plans to include elements
14 that—

15 “(i) provide for improving center-
16 based and home-based child care programs
17 to meet or surpass State health and safety
18 standards, or include a project designed so
19 that a facility is expected to meet or sur-
20 pass State health and safety standards on
21 completion of the project;

22 “(ii) aim to meet specific needs across
23 urban, suburban, or rural areas as deter-
24 mined by the State;

1 “(iii) show evidence of collaboration
2 with—

3 “(I) local government officials;

4 “(II) other State agencies;

5 “(III) nongovernmental organiza-
6 tions, such as—

7 “(aa) certified community
8 development financial institutions
9 as defined in section 103 of the
10 Community Development Bank-
11 ing and Financial Institutions
12 Act of 1994 (12 U.S.C. 4702)
13 that have been certified by the
14 Community Development Finan-
15 cial Institutions Fund (12 U.S.C.
16 4703); and

17 “(bb) organizations that
18 have demonstrated experience
19 in—

20 “(AA) providing tech-
21 nical or financial assistance
22 for the acquisition, construc-
23 tion, renovation, or improve-
24 ment of child care facilities;

1 “(BB) providing tech-
2 nical, financial, or manage-
3 rial assistance to child care
4 providers; and

5 “(CC) securing private
6 sources of capital financing
7 for child care facilities or
8 other community develop-
9 ment projects eligible for as-
10 sistance from a child care
11 assistance program; and

12 “(IV) local community organiza-
13 tions, such as—

14 “(aa) child care providers;

15 “(bb) community care agen-
16 cies;

17 “(cc) resource and referral
18 agencies; and

19 “(dd) labor unions and other
20 employers of infrastructure
21 trades that pay the prevailing
22 wage; and

23 “(iv) provide for improving the facili-
24 ties of child care providers who qualify for
25 the HHS Participating Child Care Pro-

1 vider Certification for at least 1 fiscal
2 quarter before the date of application for
3 the grant.

4 “(E) MATCHING REQUIREMENT.—

5 “(i) IN GENERAL.—As a condition of
6 the receipt of a grant under this para-
7 graph, a State shall agree to make avail-
8 able, directly or through donations from
9 public or private entities, contributions
10 with respect to the costs to be covered by
11 the grant, which may be provided in cash
12 or in kind, in an amount equal to 10 per-
13 cent of the funds provided through the
14 grant.

15 “(ii) DETERMINATION OF AMOUNT
16 CONTRIBUTED.—Such a matching con-
17 tribution may include philanthropic or pri-
18 vate-sector funds.

19 “(F) AMOUNT LIMIT.—The annual amount
20 of a grant under this paragraph may not exceed
21 \$250,000,000.

22 “(G) PROHIBITION.—The Secretary may
23 not, as a condition of making a grant under
24 this paragraph or section 418D, retain an inter-
25 est in any property, including any project in-

1 volving a privately-owned family child care
2 home or tribal land.

3 “(H) REPORT.—Not later than 6 months
4 after the last day of the grant period, a State
5 to which a grant is made under this paragraph
6 shall submit to the Secretary the report re-
7 ferred to in subparagraph (C)(ii)(II)—

8 “(i) to determine the effects of the
9 grant in constructing, renovating, or im-
10 proving child care facilities, including any
11 changes in response to public health guide-
12 lines or efforts associated with natural dis-
13 aster emergency preparedness and re-
14 sponse and any effects on access to child
15 care; and

16 “(ii) to provide such other information
17 as the Secretary may require.

18 “(I) RETURN OF GRANT IF PLAN NOT AP-
19 PROVED WITHIN 2 YEARS.—A State to which a
20 grant is made under this paragraph shall remit
21 the grant to the Secretary if the Secretary has
22 not provided the approval required by subpara-
23 graph (C) within 2 years after the date the
24 grant is made.

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

3 “(A) IN GENERAL.—The Secretary may
4 award grants to intermediary organizations,
5 such as certified community development finan-
6 cial institutions or other organizations with
7 demonstrated experience in child care facilities
8 financing, for the purpose of providing technical
9 assistance, capacity-building, and financial
10 products to develop or finance child care facili-
11 ties.

12 “(B) APPLICATION.—A grant under this
13 paragraph may be made only to an inter-
14 mediary organization that submits to the Sec-
15 retary an application at such time, in such
16 manner, and containing such information as the
17 Secretary may require, that complies with para-
18 graph (3) if applicable.

19 “(C) CONSULTATION.—In selecting inter-
20 mediary organizations for grants under this
21 paragraph, the Secretary shall conduct con-
22 sultations with organizations that—

23 “(i) demonstrate experience in child
24 care facility financing or related commu-
25 nity facility financing;

1 “(ii) demonstrate the capacity to as-
2 sist States and local governments in devel-
3 oping child care facilities and programs;

4 “(iii) demonstrate the ability to lever-
5 age grant funding to support financing
6 tools to build the capacity of child care
7 providers, such as through credit enhance-
8 ments;

9 “(iv) propose to focus on child care
10 facilities that operate under nontraditional
11 hours;

12 “(v) propose to meet a diversity of
13 needs across urban, suburban, and rural
14 areas at varying types of center-based,
15 home-based, and other child care settings,
16 including early care programs located in
17 buildings in which the care center is the
18 sole occupant or in mixed-use properties;
19 and

20 “(vi) propose to focus on child care
21 facilities primarily serving low-income pop-
22 ulations and children who have not at-
23 tained 13 years of age.

1 “(D) AMOUNT LIMIT.—The amount of a
2 grant under this paragraph may not exceed
3 \$15,000,000.

4 “(E) ANNUAL REPORT REQUIRED.—As a
5 condition of receiving funds under this para-
6 graph, the recipient shall submit annual reports
7 to the lead agency of the jurisdiction in which
8 the recipient is located documenting how the re-
9 cipient has expended the funds and updating
10 the planned future expenditures described in
11 the application submitted by the recipient for
12 the funds.

13 “(3) LABOR STANDARDS.—In the case of an
14 application for a grant under this subsection for a
15 project to construct, renovate, or improve a child
16 care facility, including a project to adapt, recon-
17 figure, or expand such a facility, the application
18 shall include a written assurance that all laborers
19 and mechanics employed by contractors or sub-
20 contractors in the performance of construction, al-
21 teration, or repair, as part of the project, shall be
22 paid wages at rates not less than those prevailing on
23 similar work in the locality as determined by the
24 Secretary of Labor in accordance with subchapter
25 IV of chapter of part A of subtitle II of title 40,

1 United States Code (commonly referred to as the
2 ‘Davis-Bacon Act’), and with respect to the labor
3 standards specified in such subchapter, the Sec-
4 retary of Labor shall have the authority and func-
5 tions set forth in Reorganization Plan Numbered 14
6 of 1950 (15 Fed. Reg. 3176; 5 U.S.C. App.).

7 “(4) USE OF FUNDS.—

8 “(A) INFRASTRUCTURE IMPROVEMENT.—

9 “(i) IN GENERAL.—A recipient of
10 funds under this subsection may use the
11 funds only to acquire, construct, renovate,
12 or otherwise physically improve the infra-
13 structure of a building primarily used for
14 the provision of child care services by a
15 child care provider, subject to clause (ii).

16 “(ii) PROHIBITION.—A recipient of
17 funds under this subsection may not use
18 the funds for modernization, renovation, or
19 repair of facilities—

20 “(I) that are primarily used for
21 sectarian instruction or religious wor-
22 ship; or

23 “(II) in which a substantial por-
24 tion of the functions of the facilities
25 are subsumed in a religious mission.

1 “(B) RULES APPLICABLE TO LEAD AGEN-
2 CIES.—A lead agency that is a recipient of
3 funds under this subsection may use not more
4 than 5 percent of the funds for administrative
5 purposes which may be in addition to evaluation
6 and reporting activities, and shall use the bal-
7 ance of the funds to enter into grants or con-
8 tracts, on a competitive basis, with entities to
9 carry out projects to acquire, construct, ren-
10 ovate, or complete other physical improvements
11 to buildings in which child care services are
12 provided or will be provided on completion of
13 the project.

14 “(b) APPROPRIATION.—Out of any funds in the
15 Treasury not otherwise appropriated, there is appro-
16 priated \$15,000,000,000 for fiscal year 2022 to carry out
17 this section, which shall remain available through fiscal
18 year 2026.

19 “(c) RESERVATIONS OF FUNDS.—

20 “(1) TERRITORIES.—The Secretary shall re-
21 serve \$100,000,000 of the amount made available to
22 carry out this section, for grants to territories.

23 “(2) ADMINISTRATION.—The Secretary may re-
24 serve not more than \$200,000,000 of the amount

1 made available to carry out this section, for adminis-
2 trative costs.

3 “(3) ASSESSMENTS AND DEVELOPMENT
4 PLANS.—The Secretary shall reserve for each lead
5 agency not more than \$100,000 to conduct assess-
6 ments and develop plans for obligating and expend-
7 ing funds provided under this section, which may be
8 expended by a lead agency immediately on receipt.

9 “(4) DATA EXCHANGE STANDARDS FOR INTER-
10 OPERABILITY.—The Secretary may reserve not more
11 than \$200,000 of the amount made available to
12 carry out this section to implement data exchange
13 standards for interoperability.

14 “(d) LIMITATION ON AVAILABILITY OF FUNDS FOR
15 GRANTS FOR INTERMEDIARY ORGANIZATIONS.—Not more
16 than \$2,250,000,000 of the total amount made available
17 to carry out this section may be used to carry out sub-
18 section (a)(2).”.

19 **SEC. 132003. TECHNICAL ASSISTANCE.**

20 Part A of title IV of the Social Security Act (42
21 U.S.C. 601–619) is further amended by inserting after
22 section 418B the following:

23 **“SEC. 418C. TECHNICAL ASSISTANCE.**

24 “(a) IN GENERAL.—

1 “(1) CHILD CARE INFORMATION NETWORK.—
2 The Secretary shall provide technical assistance to
3 lead agencies to support the development and imple-
4 mentation of, and ongoing full participation in, State
5 Child Care Information Networks provided for in
6 section 418A(a)(4).

7 “(2) CHILD CARE INFRASTRUCTURE.—The Sec-
8 retary shall provide technical assistance—

9 “(A) to child care small business owners,
10 entrepreneurs, nonprofit organizations, and
11 child care infrastructure grant recipients, for
12 the purpose of starting new licensed child care
13 businesses, or re-opening a closed child care fa-
14 cility, in areas in which there is a child care
15 shortage or that are at risk of having such a
16 shortage;

17 “(B) to State and local governments to
18 incentivize public-private partnerships to iden-
19 tify excess buildings and land and conduct fea-
20 sibility studies, for new or expanded child care
21 options that could be available to child care en-
22 trepreneurs and infrastructure grantees, or
23 used for publicly-run child care facilities; and

24 “(C) to support child care business tech-
25 nical assistance, which may include strategies to

1 support management training and shared serv-
2 ices initiatives including provider networks such
3 as child care center alliances and family child
4 care home provider networks, as well as funda-
5 mental business support needs such as budg-
6 eting and fiscal management skills, business
7 planning, understanding the cost of quality, and
8 core best business practices such as record-
9 keeping and payment reconciliation.

10 “(3) SUPPLEMENTING NATIONAL TECHNICAL
11 ASSISTANCE EFFORTS.—The Secretary may provide
12 technical assistance to States (and submit to the
13 Congress reports on technical assistance activities)
14 to increase child care availability and affordability,
15 including by—

16 “(A) providing technical assistance on best
17 practices for conducting market rate surveys
18 and establishing State reimbursement rates and
19 price-per-child rates for child care for children
20 who have not attained 13 years of age;

21 “(B) increasing child care availability in
22 tribal communities for families with children
23 who have not attained 13 years of age;

1 “(C) improving the effectiveness and af-
2 fordability of child care assistance programs in
3 meeting the needs of low-income parents; or

4 “(D) collecting, managing, analyzing, and
5 reporting child care administrative data, and
6 use the data to support documentation of
7 changes in child care availability and afford-
8 ability.

9 “(b) ADMINISTRATIVE PROVISION.—The Secretary
10 may carry out this section through means including the
11 use of grants or cooperative agreements.

12 “(c) APPROPRIATION.—Out of any funds in the
13 Treasury not otherwise appropriated, there is appro-
14 priated \$17,500,000 for each of fiscal years 2022 through
15 2026 to carry out this section.”.

16 **SEC. 132004. TRIBAL CHILD CARE ACCESS AND GROWTH.**

17 Part A of title IV of the Social Security Act (42
18 U.S.C. 601–619) is further amended by inserting after
19 section 418C the following:

20 **“SEC. 418D. TRIBAL CHILD CARE ACCESS AND GROWTH.**

21 “(a) HHS CONSULTATIONS WITH INDIAN TRIBES.—
22 Of the amount appropriated under subsection (e) for each
23 fiscal year, the Secretary shall use not more than
24 \$1,000,000 to—

1 “(1) conduct such consultations with Indian
2 tribes and tribal organizations as are necessary to
3 determine how to better conduct consumer outreach
4 and education and provide timely availability for
5 child care slots, improve child care infrastructure,
6 and otherwise inform best practices and guidelines
7 for carrying out the activities described in subsection
8 (b); and

9 “(2) provide technical assistance to the lead
10 agencies of Indian tribes and tribal organizations
11 with respect to carrying out the activities.

12 “(b) ACTIVITIES DESCRIBED.—The activities de-
13 scribed in this subsection are the following:

14 “(1) Planning, start-up, implementation, and
15 maintenance costs associated with establishing and
16 funding a Child Care Information Network designed
17 to help parents determine which child care providers
18 can meet their child care needs and to give parents
19 ease of access in enrolling their children in child
20 care.

21 “(2) Coordinating with the Secretary regarding
22 the HHS Participating Child Care Provider Certifi-
23 cation provided for in section 418A(c).

24 “(3) Conducting infrastructure projects to im-
25 prove the safety of child care facilities.

1 “(c) GRANTS.—

2 “(1) IN GENERAL.—Of the amount appro-
3 priated under subsection (e) for each fiscal year, the
4 Secretary shall use not less than \$199,000,000 to
5 make grants to the lead agencies of Indian tribes
6 and tribal organizations for activities described in
7 subsection (b), which are to be carried out in accord-
8 ance with such rules as the Secretary may prescribe,
9 taking into account the results of the consultations
10 conducted under subsection (a)(1).

11 “(2) ALLOCATION.—The Secretary may make
12 grants under this subsection according to relative
13 need.

14 “(d) NONSUPPLANTATION.—An entity to which an
15 amount is provided under this section shall use the
16 amount to supplement, but not supplant, other funds pro-
17 vided for any purpose or activity for which the amount
18 is used.

19 “(e) APPROPRIATION.—Out of any funds in the
20 Treasury not otherwise appropriated, there is appro-
21 priated to the Secretary \$200,000,000 for each of fiscal
22 years 2022 through 2026 to carry out this section.”.

1 **SEC. 132005. RAISING THE FLOOR FOR CHILD CARE PRO-**
2 **VIDER WAGES.**

3 (a) PLANNING FOR CHILD CARE WAGE GRANTS FOR
4 SMALL BUSINESSES.—

5 (1) IN GENERAL.—For the purpose of main-
6 taining an effective and diverse child care workforce,
7 effective upon enactment, through the end of fiscal
8 year 2022, the Secretary of Health and Human
9 Services shall, regarding the development and imple-
10 mentation of the Child Care Wage Grant program
11 provided for in section 418E of the Social Security
12 Act (as added by subsection (b) of this section)—

13 (A) issue guidance or technical assistance
14 to lead agencies (as defined in such section)
15 with respect to—

16 (i) consultation with field engagement
17 organizations (as defined in such section);

18 (ii) wage supplement calculations,
19 with the option of providing a bonus that
20 may not be more than the equivalent of an
21 annual wage;

22 (iii) application requirements;

23 (iv) reporting requirements;

24 (v) anti-discrimination protection
25 measures; and

26 (vi) other related activities;

1 (B) engage in hiring, training, developing
2 work plans, developing outreach materials, and
3 other administrative overhead activities; and

4 (C) consult with relevant entities such as
5 tribal leaders, governors, county and local gov-
6 ernment, and community stakeholders.

7 (2) FUNDING.—Out of any money in the Treas-
8 ury not otherwise appropriated, there is appro-
9 priated to the Secretary of Health and Human Serv-
10 ices \$10,000,000, to remain available through Sep-
11 tember 30, 2022, to carry out this paragraph.

12 (b) IMPLEMENTATION.—Part A of title IV of the So-
13 cial Security Act (42 U.S.C. 601–619) is further amended
14 by inserting after section 418D the following:

15 **“SEC. 418E. CHILD CARE WAGE GRANTS FOR SMALL BUSI-
16 NESSES.**

17 **“(a) GRANTS TO LEAD AGENCIES.—**

18 **“(1) GRANTS.—**

19 **“(A) IN GENERAL.—**The Secretary shall
20 make grants to reimburse State, tribal, and ter-
21 ritorial lead agencies for the amount of child
22 care wage grants made to qualifying child care
23 providers under lead agency child care wage
24 grant programs, and for documented costs of
25 administering the programs that are directly re-

1 lated to determining provider eligibility, making
2 payments, data collection, and verifying pro-
3 vider compliance with program rules.

4 “(B) LIMITATION ON REIMBURSEMENT
5 FOR DOCUMENTED ADMINISTRATIVE COSTS.—

6 The amount of the reimbursement for the docu-
7 mented administrative costs shall not exceed 5
8 percent of the total amount of the child care
9 wage grants.

10 “(2) CONSULTATION REQUIRED AS A CONDI-
11 TION OF ELIGIBILITY.—A lead agency shall not be
12 eligible for a grant under this section with respect
13 to a child care wage grant program unless the lead
14 agency has consulted with field engagement organi-
15 zations in developing and implementing the program,
16 including application process, eligibility determina-
17 tions, community outreach, and such other aspects
18 of the program as the Secretary deems appropriate,
19 and if, after the consultation, the lead agency in-
20 tends to operate a child care wage grant program
21 for small businesses, the lead agency shall submit to
22 the Secretary a certification that the lead agency has
23 conducted such a consultation and intends to submit
24 a claim for reimbursement with respect to program
25 expenditures at the end of the fiscal year.

1 “(b) STATE CHILD CARE WAGE GRANT PROGRAM.—

2 “(1) IN GENERAL.—A lead agency child care
3 wage grant program is a program operated by a lead
4 agency under which a child care wage grant is made
5 to qualified child care providers for the 1-year period
6 covered by the grant, in an amount equal to the ag-
7 gregate of the eligible child care wage supplements
8 provided by the qualified child care provider during
9 the year, which year shall not begin before October
10 1, 2022.

11 “(2) REPORTING REQUIREMENT.—

12 “(A) IN GENERAL.—A recipient of a child
13 care wage grant from a lead agency shall sub-
14 mit to the lead agency every fiscal quarter a re-
15 port that includes documentation of how the
16 grant has been expended including the number
17 of full or part-time workers providing child care
18 and whether each such worker worked for the
19 full year, a description of the wage levels and
20 demographics of the child care employees of the
21 qualified child care provider, and such other in-
22 formation as the Secretary may require, and
23 may allow field engagement organizations to
24 support grant recipients in meeting quarterly
25 reporting requirements.

1 “(B) AUTHORITY TO EXTEND DEAD-
2 LINE.—A lead agency may approve a request
3 from such a recipient to extend the reporting
4 deadline for 90 days, but shall accompany such
5 an approval with a notice that failure to submit
6 all information required in the report will result
7 in future ineligibility for such a grant.

8 “(c) REIMBURSEMENT; ADVANCE ESTIMATED PAY-
9 MENT.—A lead agency may submit to the Secretary a re-
10 quest for reimbursement or estimated advance payment of
11 the costs of operating the lead agency child care wage
12 grant program for the 1-year period covered by the re-
13 quest, which shall include documentation of the grant
14 awards made to qualified child care providers under the
15 program, an assurance that not more than 5 percent of
16 the costs in the reimbursement request are for administra-
17 tive costs, an assurance that the State will repay any ad-
18 vances based on payments to child care providers that
19 were in excess of costs allowable under this section (includ-
20 ing payments for workers who did not work for the full
21 year) or based on State administrative costs in excess of
22 5 percent, and the following:

23 “(1) Qualified child care provider application
24 data, including the number of qualified child care
25 providers and the proportion of applications that

1 were approved under the program, documentation of
2 rejected applications, including the reason for dis-
3 qualification, and demographic data of applicants.

4 “(2) Qualified child care provider wage subsidy
5 data, including wage levels, the size and type of the
6 qualified child care provider, the number of children
7 served by the qualified child care provider,
8 verification that the child care wage grant provided
9 to the qualified child care provider was not used to
10 supplant Federal funds, verification that the quali-
11 fied child care provider performs child care services
12 as the primary function of the qualified child care
13 provider, verification that qualifying child care pro-
14 vider applications are approved for 1 year, and docu-
15 mentation of the number of full-time and part-time
16 child care employees (which may include sole propri-
17 etors) including the portion of the year for which
18 each employee was employed with that provider to
19 provide child care.

20 “(3) Certification that each qualified child care
21 provider is not eligible to receive a child care payroll
22 tax credit under section 3135 of the Internal Rev-
23 enue Code of 1986 with respect to wages paid to any
24 child care employee of the qualified child care pro-
25 vider.

1 “(4) Qualified child care provider demographic
2 data, including racial, ethnic, and gender data of the
3 qualified child care provider and child care employ-
4 ees.

5 “(5) Documentation of qualified child care pro-
6 vider wages, and documentation of child care wages
7 that, in the absence of a grant made under this sec-
8 tion, would have been paid at not less than the ap-
9 plicable minimum rate.

10 “(6) Documentation that each qualified child
11 care provider is licensed by, registered with, or regu-
12 lated by the State.

13 “(7) Documentation that each qualified child
14 care provider was so qualified throughout the year
15 with respect to which reimbursement is sought.

16 “(8) Documentation that each employee for
17 which a grant is sought was employed for the full
18 year, or if not, for what portion of the year they
19 were employed.

20 “(9) Such other relevant items as the Secretary
21 may require.

22 “(d) PENALTIES.—

23 “(1) MISUSE OF CHILD CARE WAGE GRANT.—
24 If the Secretary finds that a qualified child care pro-
25 vider has used funds provided under this section

1 with respect to a year other than to supplement the
2 applicable minimum rate of child care wages for an
3 employee engaged in child care work for the reported
4 period, the qualified child care provider shall—

5 “(A) repay to the lead agency all funds so
6 provided to the child care provider for the year;
7 and

8 “(B) be ineligible for the succeeding 2
9 years to receive funds made available under this
10 section.

11 “(2) DECREASE IN NUMBER OF CHILD CARE
12 EMPLOYEES.—If a recipient of a child care wage
13 grant for a year reports under subsection (b)(2)(A)
14 that the number of child care employees of the re-
15 cipient has decreased during the year, then—

16 “(A) the lead agency shall proportionately
17 decrease the amount of the child care wage
18 grant (if any) payable to the recipient for the
19 next year; or

20 “(B) if the recipient is not awarded a child
21 care wage grant for the next year, the recipient
22 shall remit to the lead agency a portion of the
23 grant equal to the proportionate decrease in the
24 number of child care employees of the provider.

1 “(e) APPROPRIATION.—Out of any money in the
2 Treasury not otherwise appropriated, there is appro-
3 priated to the Secretary for each of fiscal years 2023
4 through 2026 such sums as may be necessary for reim-
5 bursements or estimated payments referred to in sub-
6 section (a).

7 “(f) DEFINITIONS.—In this section:

8 “(1) APPLICABLE MINIMUM RATE.—The term
9 ‘applicable minimum rate’ means the rate at which
10 basic pay is payable for a position at level 3, step
11 1, of the General Schedule under subchapter III of
12 chapter 53 of title 5, United States Code, including
13 any applicable locality-based comparability payment
14 under section 5304 of such title or similar authority,
15 at the time such wages are paid and determined
16 with respect to the locality in which services are pro-
17 vided.

18 “(2) CHILD CARE WAGES.—The term ‘child
19 care wages’ means—

20 “(A) wages paid to an employee for serv-
21 ices in providing child care; and

22 “(B) an owner’s draw in lieu of wages, in
23 the case of a sole proprietor who provides child
24 care services or an owner who directly provides
25 child care services alongside employees.

1 “(3) CHILD CARE EMPLOYEE.—The term ‘child
2 care employee’ means an employee—

3 “(A) who is employed by a qualified child
4 care provider;

5 “(B) who provides child care services as a
6 primary function of employment; and

7 “(C) whose wages do not qualify under
8 section 3135(a) of the Internal Revenue Code
9 of 1986.

10 “(4) ELIGIBLE CHILD CARE WAGE SUPPLE-
11 MENT.—

12 “(A) IN GENERAL.—The term ‘eligible
13 child care wage supplement’ means, with re-
14 spect to a year, a supplement to child care
15 wages of an employee (or owner), but only to
16 the extent that the total amount of the child
17 care wage supplements provided to the em-
18 ployee (or owner) during the year—

19 “(i) in the case of a full-time em-
20 ployee (or an owner who works on a full-
21 time basis), is not more than \$16,000; or

22 “(ii) in the case of a part-time em-
23 ployee (or an owner who works on a part-
24 time basis), is not more than \$10,000.

1 In the case of any employee who is not em-
2 ployed as a child care employee for the full
3 year, the maximum dollar amounts set forth in
4 the preceding sentence shall be proportionately
5 reduced.

6 “(B) INFLATION ADJUSTMENT.—Each dol-
7 lar amount in effect under subparagraph (A)
8 with respect to a year shall be increased by a
9 percentage equal to the percentage (if any) by
10 which the Consumer Price Index for all urban
11 consumers (U.S. city average) increased during
12 the 12-month period ending with the last month
13 for which Consumer Price Index data is avail-
14 able.

15 “(5) FIELD ENGAGEMENT ORGANIZATION.—
16 The term ‘field engagement organization’ means any
17 nonprofit, community-based organization, labor
18 union, trade association, staffed family child care
19 network, child care resource and referral organiza-
20 tion, or local government entity with experience pro-
21 viding representation, technical assistance, or com-
22 munity supports to child care providers or individ-
23 uals seeking to enter or re-enter the child care mar-
24 ket.

1 “(6) QUALIFIED CHILD CARE PROVIDER.—The
2 term ‘qualified child care provider’ means an entity
3 who—

4 “(A) provides child care services as the pri-
5 mary function of the entity;

6 “(B) is registered with, or regulated or li-
7 censed by, the State as a child care provider;

8 “(C) at the time of application for a child
9 care wage grant under this section, does not
10 have an unresolved violation of a State law or
11 regulation pertaining to health or safety in the
12 provision of child care services;

13 “(D) has at least 1 employee whose wages
14 may not be taken into account under section
15 3135(a) of the Internal Revenue Code of 1986
16 because the employee is a sole proprietor or re-
17 ports self-employment income;

18 “(E) as of the time of the application, pays
19 child care wages at a rate that is at least the
20 applicable minimum rate, and certifies that the
21 entity will not reduce the hourly wage rate of
22 any employee during the 1-year period for
23 which the entity has applied for a child care
24 wage grant under this section; and

1 “(F) has submitted to the lead agency all
2 data requested by the Secretary under this sec-
3 tion;

4 “(G) has submitted the application to the
5 lead agency, which has approved the applica-
6 tion; and

7 “(H) has not failed to include all informa-
8 tion required to be included in any quarterly re-
9 port required by subsection (b)(2) to be sub-
10 mitted by the entity with respect to the year
11 preceding the year for which the application is
12 submitted.”.

13 **SEC. 132006. COMMON PROVISIONS.**

14 (a) **DEFINITIONS.**—Section 419 of the Social Secu-
15 rity Act (42 U.S.C. 619) is amended by adding at the end
16 the following:

17 “(6) **LEAD AGENCY.**—The term ‘lead agency’
18 means, with respect to a jurisdiction, the lead agen-
19 cy responsible for administering the child care as-
20 sistance program of the jurisdiction.

21 “(7) **TERRITORY.**—The term ‘territory’ means
22 the Commonwealth of Puerto Rico, the United
23 States Virgin Islands, Guam, American Samoa, and
24 the Commonwealth of the Northern Mariana Is-
25 lands.”.

1 (b) REPORTS TO THE CONGRESS.—Section 411 of
2 such Act (42 U.S.C. 611) is amended by adding at the
3 end the following:

4 “(e) REPORTS ON CERTAIN STATE CHILD CARE EX-
5 PENDITURES.—The Secretary shall submit to the Com-
6 mittee on Ways and Means of the House of Representa-
7 tives and the Committee on Finance of the Senate biennial
8 reports on—

9 “(1) eligible expenditures (as defined in section
10 418A(b)(2)(B)) by the States, and on expenditures
11 by the Secretary under section 418A during the pe-
12 riod covered by the report;

13 “(2) the extent to which payments under sec-
14 tion 418A have been made with respect to the ex-
15 penditures;

16 “(3) to the extent that any funds made avail-
17 able to carry out such section have not been ex-
18 pended, the reasons therefor; and

19 “(4) expenditures under section 418C.”.

20 (c) INAPPLICABILITY OF PAYMENT LIMITATION.—
21 Section 1108(a) of such Act (42 U.S.C. 1308(a)) is
22 amended by inserting “418A, 418B, 418C, 418D, 418E,”
23 before “or”.

