

118TH CONGRESS  
2D SESSION

# S. 5621

To provide grants to States, Indian Tribes, and Tribal organizations for activities to increase the availability of child care options and to support the child care workforce, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Ms. SMITH introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To provide grants to States, Indian Tribes, and Tribal organizations for activities to increase the availability of child care options and to support the child care workforce, 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 “Childcare Supply Im-  
5       provement Act of 2024”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) ALLOTMENT PERCENTAGE.—The term “al-

2           lotment percentage”, with respect to a State, means

3           the allotment percentage determined for the State in

4           accordance with section 658O(b)(4) of the Child

5           Care and Development Block Grant Act of 1990 (42

6           U.S.C. 9858m(b)(4)).

7           (2) CHILD.—The term “child” means an indi-

8           vidual—

9                     (A) who is age 5 or younger; or

10                    (B) who has not yet entered kindergarten.

11           (3) CHILD WITH A DISABILITY.—The term

12           “child with a disability” means—

13                    (A) a child with a disability, as defined in

14                    section 602 of the Individuals with Disabilities

15                    Education Act (20 U.S.C. 1401), except the

16                    term “child” shall be limited to a child as de-

17                    fined in paragraph (2);

18                    (B) a child who is eligible for early inter-

19                    vention services under part C of the Individuals

20                    with Disabilities Education Act (20 U.S.C.

21                    1431 et seq.);

22                    (C) a child who is eligible for services

23                    under section 504 of the Rehabilitation Act of

24                    1973 (29 U.S.C. 794); or

1 (D) a child with a disability, as the term  
2 “disability” is defined by the State involved.

3 (4) CHILD CARE PROGRAM.—The term “child  
4 care program”—

5 (A) means any program—

6 (i) that provides child care or edu-  
7 cation for children, in any setting or  
8 through any funding source; and

9 (ii) that is licensed to provide such  
10 care or education under licensing require-  
11 ments applicable in the State or is exempt  
12 from such requirements; and

13 (B) includes—

14 (i) any program operated by a center-  
15 based child care provider or a family child  
16 care provider;

17 (ii) child care provided by relatives,  
18 friends, or neighbor caregivers;

19 (iii) any preschool program funded by  
20 the Federal Government, a State, or a  
21 local educational agency; or

22 (iv) a Head Start program, including  
23 an Early Head Start program, under the  
24 Head Start Act (42 U.S.C. 9831 et seq.).

1           (5) CHILD CARE PROVIDER.—The term “child  
2       care provider” means the staff of a child care pro-  
3       gram.

4           (6) ELIGIBLE COMMUNITY DEVELOPMENT FI-  
5       NANCIAL INSTITUTION.—The term “eligible commu-  
6       nity development financial institution” means—

7                (A) a community development financial in-  
8               stitution (as defined in section 103 of the Com-  
9               munity Development Banking and Financial In-  
10              stitutions Act of 1994 (12 U.S.C. 4702)) that  
11              has been certified by the Community Develop-  
12              ment Financial Institutions Fund under section  
13              1805.201 of title 12, Code of Federal Regula-  
14              tions, or any successor regulation; or

15              (B) an organization that—

16                   (i) is described in section 501(c)(3) of  
17              the Internal Revenue Code of 1986;

18                   (ii) is exempt from taxation under  
19              section 501(a) of such Code; and

20                   (iii) has demonstrated experience in—

21                       (I) providing technical or finan-  
22                       cial assistance for the acquisition, con-  
23                       struction, renovation, or improvement  
24                       of child care facilities;

1 (II) providing technical, financial,  
 2 or managerial assistance to child care  
 3 providers; and

4 (III) securing private sources of  
 5 capital financing for child care or  
 6 other low-income community develop-  
 7 ment.

8 (7) FAMILY CHILD CARE PROVIDER.—The term  
 9 “family child care provider” has the meaning given  
 10 the term in section 658P of the Child Care and De-  
 11 velopment Block Grant Act of 1990 (42 U.S.C.  
 12 9858n).

13 (8) INDIAN TRIBE; TRIBAL ORGANIZATION.—  
 14 The terms “Indian Tribe” and “Tribal organiza-  
 15 tion” have the meanings given the terms “Indian  
 16 tribe” and “tribal organization” in section 658P of  
 17 the Child Care and Development Block Grant Act of  
 18 1990 (42 U.S.C. 9858n).

19 (9) INTERRATER RELIABILITY.—The term  
 20 “interrater reliability” has the meaning given the  
 21 term in section 637 of the Head Start Act (42  
 22 U.S.C. 9832).

23 (10) LOCAL OR REGIONAL ENTITY.—The term  
 24 “local or regional entity” means—

1 (A) an agency administering a Head Start  
 2 program, including an Early Head Start pro-  
 3 gram, under the Head Start Act (42 U.S.C.  
 4 9831 et seq.);

5 (B) a State or local agency responsible for  
 6 administering a child care program, including a  
 7 local agency responsible for administering a  
 8 child care program that is a home visiting pro-  
 9 gram for children;

10 (C) a local early childhood advisory council  
 11 or coalition;

12 (D) a local or regional child care resource  
 13 and referral organization described in section  
 14 658E(c)(3)(B)(iii) of the Child Care and Devel-  
 15 opment Block Grant Act of 1990 (42 U.S.C.  
 16 9858c(c)(3)(B)(iii));

17 (E) an eligible community development fi-  
 18 nancial institution;

19 (F) a nonprofit organization, professional  
 20 association, or community-based organization  
 21 with expertise in child care; or

22 (G) a consortium of entities described in  
 23 any of subparagraphs (A) through (F).

24 (11) SCHOOL LUNCH FACTOR.—The term  
 25 “school lunch factor” has the meaning given the

1 term in section 658O(b)(3) of the Child Care and  
 2 Development Block Grant Act of 1990 (42 U.S.C.  
 3 9858m(b)(3)).

4 (12) SECRETARY.—The term “Secretary”  
 5 means the Secretary of Health and Human Services.

6 (13) STATE.—The term “State” has the mean-  
 7 ing given the term in section 658P of the Child Care  
 8 and Development Block Grant Act of 1990 (42  
 9 U.S.C. 9858n).

10 (14) YOUNG CHILD FACTOR.—The term “young  
 11 child factor” has the meaning given the term in sec-  
 12 tion 658O(b)(2) of the Child Care and Development  
 13 Block Grant Act of 1990 (42 U.S.C. 9858m(b)(2)).

14 **SEC. 3. CHILD CARE SUPPLY IMPROVEMENT PROGRAM.**

15 (a) ESTABLISHMENT.—The Secretary shall establish  
 16 a program to award to States, Indian Tribes, and Tribal  
 17 organizations—

18 (1) grants for child care facilities in accordance  
 19 with section 4; and

20 (2) grants for the purpose of carrying out the  
 21 activities described in section 5.

22 (b) APPLICATION PROCESS.—A State, Indian Tribe,  
 23 or Tribal organization seeking a grant under this Act shall  
 24 submit an application to the Secretary at such time, in

1 such manner, and containing such information as the Sec-  
2 retary may reasonably require.

3 (c) GRANT AMOUNTS.—

4 (1) IN GENERAL.—Each State, Indian Tribe, or  
5 Tribal organization that submits an application  
6 meeting the requirements of the Secretary under  
7 subsection (b) shall be entitled to a grant in an  
8 amount that is determined in accordance with the  
9 reservations and allotments under this subsection.

10 (2) AMOUNTS RESERVED.—

11 (A) TERRITORIES AND POSSESSIONS.—The  
12 Secretary shall reserve not to exceed one-half of  
13 1 percent of the amount appropriated under  
14 section 8 in each fiscal year for payments to  
15 Guam, American Samoa, the Virgin Islands of  
16 the United States, and the Commonwealth of  
17 the Northern Mariana Islands to be allotted in  
18 accordance with their respective needs.

19 (B) INDIAN TRIBES.—The Secretary shall  
20 reserve not less than 4 percent of the amount  
21 appropriated under section 8 in each fiscal year  
22 for grants to Indian Tribes and Tribal organi-  
23 zations that submit an application meeting the  
24 requirements of the Secretary under subsection  
25 (b).

1           (3) STATE ALLOTMENTS.—From the amount  
 2           appropriated under section 8 for each fiscal year  
 3           that is remaining after the reservations under para-  
 4           graph (2), the Secretary shall allot to each State an  
 5           amount equal to the sum of—

6                   (A) an amount that bears the same ratio  
 7                   to 50 percent of such remainder as the product  
 8                   of the young child factor of the State and the  
 9                   allotment percentage of the State bears to the  
 10                  sum of the corresponding products for all  
 11                  States; and

12                   (B) an amount that bears the same ratio  
 13                   to 50 percent of such remainder as the product  
 14                   of the school lunch factor of the State and the  
 15                   allotment percentage of the State bears to the  
 16                  sum of the corresponding products for all  
 17                  States.

18 **SEC. 4. GRANTS FOR CHILD CARE FACILITIES.**

19           (a) IN GENERAL.—A grant awarded under section  
 20           3(a)(1) shall be used to award a subgrant to an eligible  
 21           community development financial institution, which may  
 22           partner with other local or regional entities, for the pur-  
 23           pose of—

1           (1) providing technical or financial assistance  
2       for the acquisition, construction, or improvements of  
3       child care facilities;

4           (2) providing technical, financial, or managerial  
5       assistance to child care programs;

6           (3) subject to subsection (b), renovating child  
7       care facilities to comply with State or local health  
8       and safety requirements;

9           (4) establishing low-cost—

10               (A) loan programs for child care programs;

11               or

12               (B) loan forgiveness programs for child  
13       care programs in accordance with subsection

14       (c); or

15           (5) developing and piloting local, voluntary best  
16       practices related to community zoning standards to  
17       support the provision and expansion of child care  
18       services.

19       (b) RESIDENTIAL RENOVATIONS.—A renovation to a  
20       private residence in which a family child care provider pro-  
21       vides child care services may be supported through a grant  
22       under section 3(a)(1), only if necessary to comply with  
23       State or local health and safety requirements. Such a ren-  
24       ovation may include—

1 (1) indoor or outdoor modifications, including  
 2 such modifications to support accessibility for chil-  
 3 dren with disabilities; or

4 (2) lead remediation and abatement activities.

5 (c) LOAN FORGIVENESS PROGRAMS.—A loan forgive-  
 6 ness program supported under subsection (a)(4)(B)—

7 (1) shall provide loan forgiveness for child care  
 8 programs over a period of time;

9 (2) shall prioritize loan forgiveness for child  
 10 care programs that are or become licensed, regu-  
 11 lated, or registered under State law and become na-  
 12 tionally accredited or rated under a tiered quality  
 13 rating system described in section 658G(b)(3) of the  
 14 Child Care and Development Block Grant Act of  
 15 1990 (42 U.S.C. 9858e(b)(3)); and

16 (3) may prioritize child care programs—

17 (A) providing high-quality care for infants  
 18 and toddlers during non-traditional hours;

19 (B) providing inclusive care for children  
 20 with disabilities;

21 (C) serving children in a geographic area  
 22 for which there is a shortage of child care; or

23 (D) that otherwise meet the needs identi-  
 24 fied in the community needs assessment con-

1           ducted by the State, Indian Tribe, or Tribal or-  
 2           ganization under section 6.

3   **SEC. 5. GRANTS FOR QUALITY SERVICES, COMPLIANCE RE-**  
 4                   **QUIREMENTS, BUSINESS SUPPORT, AND AD-**  
 5                   **MINISTRATIVE IMPROVEMENT ACTIVITIES.**

6           (a) SUBGRANTS.—A State, Indian Tribe, or Tribal  
 7   organization awarded a grant under section 3(a)(2) may  
 8   make subgrants to, or partner with, local or regional enti-  
 9   ties to carry out any activity supported by the grant in  
 10   accordance with this section.

11          (b) ACTIVITIES.—A grant awarded under section  
 12   3(a)(2) shall be used for any of the following activities:

13           (1) Activities to provide—

14                   (A) pathways for child care programs oper-  
 15                   ating legally without a child care license to ob-  
 16                   tain such license;

17                   (B) pre-licensing orientation for individuals  
 18                   seeking a child care license;

19                   (C) technical assistance throughout the  
 20                   child care licensing process; or

21                   (D) pathways to accreditation of child care  
 22                   programs and quality improvement for such  
 23                   programs, including entry into or improvement  
 24                   on a tiered quality rating system described in  
 25                   section 658G(b)(3) of the Child Care and De-

1           velopment Block Grant Act of 1990 (42 U.S.C.  
2           9858e(b)(3)).

3           (2) Activities, in accordance with subsection (c),  
4           to provide ongoing, job-embedded professional devel-  
5           opment for child care programs, including structured  
6           training, coaching, mentoring, professional develop-  
7           ment visits, and peer support activities, or profes-  
8           sional opportunities, to reduce isolation of child care  
9           providers, including through cohort-based models.

10          (3) Activities to provide business start-up sup-  
11          port for child care programs as described in sub-  
12          section (d).

13          (4) Activities to improve the administration of  
14          child care programs, by States, Indian Tribes, or  
15          Tribal organizations, which shall include activities as  
16          described in subsection (e).

17          (c) PROFESSIONAL DEVELOPMENT ACTIVITIES.—

18           (1) ACCESSIBILITY.—The professional develop-  
19          ment activities described in subsection (b)(2) shall—

20           (A) be appropriate, relevant, accessible,  
21           and affordable for family child care providers in  
22           home-based settings; and

23           (B) be culturally responsive and linguis-  
24           tically appropriate for the applicable commu-  
25           nity.

1           (2) ACTIVITIES.—Such professional develop-  
2           ment activities may include—

3                   (A) assistance for child care providers in  
4                   obtaining qualified, temporary substitute child  
5                   care or reimbursing such child care providers  
6                   for obtaining such child care;

7                   (B) the creation, expansion, or replication  
8                   of staffed family child care networks;

9                   (C) the creation, expansion, or replication  
10                  of infant-toddler specialist networks; and

11                  (D) cross-sector training and partnership  
12                  opportunities for teachers and staff of—

13                          (i) Head Start programs, including  
14                          Early Head Start programs, under the  
15                          Head Start Act (42 U.S.C. 9831 et seq.);

16                          (ii) early intervention programs;

17                          (iii) infant and early childhood mental  
18                          health programs;

19                          (iv) home visiting child care programs;

20                          (v) State-funded prekindergarten and  
21                          preschool programs that receive funds  
22                          under part A of title I of the Elementary  
23                          and Secondary Education Act of 1965 (20  
24                          U.S.C. 6311 et seq.); or

25                          (vi) any other child care program.

1 (d) BUSINESS START-UP ACTIVITIES.—The busi-  
2 ness-start up activities described in subsection (b)(3)—

3 (1) shall—

4 (A) promote sound, sustainable business  
5 practices, including business planning practices,  
6 to child care programs, including through ori-  
7 entations for child care programs and related  
8 programs, such as the child and adult care food  
9 program established under section 17 of the  
10 Richard B. Russell National School Lunch Act  
11 (42 U.S.C. 1766);

12 (B) provide financial aid or technical as-  
13 sistance to assist child care providers in com-  
14 plying with licensing requirements, or health  
15 and safety requirements;

16 (C) provide technical assistance or finan-  
17 cial assistance for costs associated with begin-  
18 ning a business, including costs for equipment  
19 or supplies, including diapers and diapering  
20 supplies; and

21 (D) develop shared service models for child  
22 care programs with respect to business activi-  
23 ties including accounting, marketing, commu-  
24 nications, health insurance, and legal support  
25 activities; and

1           (2) may include activities to promote innovative  
2 solutions or support the development of innovative  
3 models or arrangements for child care providers,  
4 such as co-located child care programs or employer-  
5 sponsored child care programs, which may be identi-  
6 fied through the community needs assessment con-  
7 ducted by the State, Indian Tribe, or Tribal organi-  
8 zation under section 6.

9           (e) IMPROVING ADMINISTRATION.—

10           (1) IN GENERAL.—The activities described in  
11 subsection (b)(4) shall include activities to—

12                   (A) improve data collection with respect to  
13 child care services, including the collection of  
14 information by States under section 658K of  
15 the Child Care and Development Block Grant  
16 Act of 1990 (42 U.S.C. 9858i);

17                   (B) improve coordination between States  
18 and Indian Tribes or Tribal organizations re-  
19 ceiving assistance under such Act, the Head  
20 Start Act (42 U.S.C. 9831 et seq.), or this Act;

21                   (C) improve coordination between States  
22 and local governments with respect to licensing  
23 and other regulatory requirements for child  
24 care providers, and, if applicable, the State’s  
25 tiered quality rating system described in section

1           658G(b)(3) of the Child Care and Development  
2           Block Grant Act of 1990 (42 U.S.C.  
3           9858e(b)(3));

4           (D) increase interrater reliability in licens-  
5           ing inspections or other evaluations of child  
6           care programs by training licensing inspectors  
7           of child care providers and providing such in-  
8           spectors with additional professional develop-  
9           ment;

10          (E) identify and eliminate barriers to child  
11          care licensure, such as through reducing fees  
12          for background checks, translating licensing  
13          regulations into languages other than English,  
14          collaborating with housing authorities or local  
15          governments, or addressing other barriers that  
16          may be identified through the community needs  
17          assessment conducted under section 6; or

18          (F) improve the functionality of activities  
19          related to State and local regulatory require-  
20          ments, including requirements with respect to  
21          licensing and licensing inspections, in accord-  
22          ance with paragraph (2).

23          (2) FUNCTIONALITY ACTIVITIES.—The activi-  
24          ties described in paragraph (1)(F) may include de-

1        developing modern technology in accordance with para-  
2        graph (3) to assist and improve with—

3                (A) outreach, including communication to  
4        child care providers of—

5                (i) licensing and other regulatory re-  
6        quirements described in subparagraph (K)  
7        of section 658E(c)(2) of the Child Care  
8        and Development Block Grant Act of 1990  
9        (42 U.S.C. 9858c(c)(2)); and

10              (ii) health and safety requirements de-  
11        scribed in subparagraph (I) of such sec-  
12        tion;

13              (B) enforcement of the requirements de-  
14        scribed in clauses (i) and (ii) of subparagraph  
15        (A);

16              (C) assistance to child care providers in  
17        complying with such requirements; or

18              (D) efforts to streamline State and local  
19        paperwork requirements for child care providers  
20        without diminishing any health and safety re-  
21        quirements applicable to such providers.

22              (3) MODERN TECHNOLOGY.—Any modern tech-  
23        nology developed under paragraph (2) shall—

1 (A) focus on the needs of child care pro-  
 2 viders subject to the requirements described in  
 3 clauses (i) and (ii) of paragraph (2)(A); and

4 (B) take into consideration, to the extent  
 5 possible, best practices related to technology de-  
 6 velopment practices, including user-centered de-  
 7 sign, as detailed in applicable Federal guide-  
 8 lines, such as the Digital Services Playbook.

9 **SEC. 6. COMMUNITY NEEDS ASSESSMENT.**

10 (a) IN GENERAL.—Each State, Indian Tribe, or  
 11 Tribal organization receiving a grant under this Act shall,  
 12 prior to undertaking any activity supported by such a  
 13 grant, conduct an assessment of the needs of the State,  
 14 Indian Tribe, or Tribal organization with respect to issues  
 15 including—

16 (1) the overall supply of child care programs,  
 17 including the supply of high-quality child care pro-  
 18 grams;

19 (2) geographic shortages and diversity of child  
 20 care providers;

21 (3) child care offered during nontraditional  
 22 hours;

23 (4) cultural and linguistic needs of children,  
 24 parents, and child care providers; and

1           (5) relevant trends in child care supply and de-  
2       mand.

3       (b) CONSULTATION.—In preparing the needs assess-  
4       ment required under subsection (a), the State, Indian  
5       Tribe, or Tribal organization shall consult with parents,  
6       child care stakeholder groups, relevant local governments,  
7       interested businesses and employers, related professional  
8       associations, and community-based organizations.

9       (c) RESULTS.—A State, Indian Tribe, or Tribal orga-  
10      nization receiving a grant under this Act shall—

11           (1) use the results of the needs assessment re-  
12      quired under subsection (a) to determine how to use  
13      the funds awarded through such grant to address  
14      the needs of children, parents, and child care pro-  
15      viders; and

16           (2) to the greatest extent possible, use the  
17      funds awarded through such grant in proportion to  
18      the needs determined through such assessment to in-  
19      crease the supply of high-quality child care, which  
20      may include a focus on a particular issue described  
21      in any of paragraphs (1) through (5) of subsection  
22      (a).

23   **SEC. 7. ADMINISTRATIVE REQUIREMENTS.**

24       (a) SUPPLEMENT AND NOT SUPPLANT.—Funds  
25      made available through a grant or subgrant under this Act

1 shall supplement, and not supplant, other Federal, State,  
2 or local funds that are available for child care programs  
3 or other family engagement programs.

4 (b) MAINTENANCE OF EFFORT.—A State, Indian  
5 Tribe, or Tribal organization that receives funds through  
6 a grant under this Act for a fiscal year shall maintain  
7 the fiscal effort provided by the State, Indian Tribe, or  
8 Tribal organization for the activities supported by such  
9 funds at a level equal to or greater than the level of such  
10 fiscal effort for the preceding fiscal year.

11 (c) VOLUNTARY PARTICIPATION.—A State, Indian  
12 Tribe, or Tribal organization that receives a grant under  
13 this Act shall ensure that family participation in any pro-  
14 gram supported by such grant shall be voluntary and not  
15 preclude the family from participating in any other Fed-  
16 eral, State, or local program.

17 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums  
19 as may be necessary to carry out this Act.

○