

117TH CONGRESS
1ST SESSION

H. R. 3797

To amend section 2202 of the American Rescue Plan Act of 2021 to authorize States to expand the uses of the child care stabilization funds to include support to improve and increase the availability of safe child care facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2021

Mrs. SPARTZ (for herself and Mr. SMITH of Nebraska) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend section 2202 of the American Rescue Plan Act of 2021 to authorize States to expand the uses of the child care stabilization funds to include support to improve and increase the availability of safe child care facilities, 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 “Increasing Access to
5 Safe Child Care Facilities Act of 2021”.

1 **SEC. 2. AMENDMENTS.**

2 Section 2202 of the American Rescue Plan Act of
3 2021 (Public Law 117–2; March 11, 2021) is amended—

4 (1) in subsection (e)(1), by striking “such a
5 subgrant” and inserting “a subgrant under sub-
6 section (d)”;

7 (2) by redesignating subsection (f) as sub-
8 section (h); and

9 (3) by inserting after subsection (e) the fol-
10 lowing:

11 “(f) SUBGRANTS FOR SAFE CHILD CARE FACILI-
12 TIES.—

13 “(1) IN GENERAL.—Notwithstanding para-
14 graphs (1) and (2)(A) of subsection (d), and with
15 the authorization of the State under subparagraph
16 (6), the lead agency may use any unobligated grant
17 funds awarded pursuant to subsection (c) (including
18 unobligated funds otherwise reserved under sub-
19 section (d)(1)) to make subgrants to eligible entities
20 to improve and increase the availability of safe child
21 care facilities. Any fund used for subgrants under
22 this subsection shall be obligated before October 1,
23 2024, and expended before October 1, 2025.

24 “(2) SELECTION OF SUBGRANTEES.—In mak-
25 ing subgrants under this subsection, the lead agency

1 shall select subgrantees based on demonstrated need.

2 In making such selection, the lead agency shall—

3 “(A) give priority to eligible entities that—

4 “(i) are new child care providers de-
5 scribed in paragraph (3)(C) who agree to
6 serve children receiving assistance under
7 the Child Care and Development Block
8 Grant Act of 1990 (42 U.S.C. 9857); or

9 “(ii) serve rural areas; and

10 “(B) give highest priority to eligible enti-
11 ties that are new child care providers described
12 in paragraph (3)(C) who—

13 “(i) agree to serve children receiving
14 assistance under the Child Care and Devel-
15 opment Block Grant Act of 1990 (42
16 U.S.C. 9857); and

17 “(ii) serve rural areas.

18 “(3) ELIGIBLE ENTITY.—In this section, the
19 term ‘eligible entity’ means—

20 “(A) an eligible child care provider, as de-
21 fined in section 658P(6)(A) of the Child Care
22 and Development Block Grant Act of 1990 (42
23 U.S.C. 9858n(6)(A));

24 “(B) a child care provider that—

1 “(i) is license-exempt and operating
2 legally in the State;

3 “(ii) is not providing child care serv-
4 ices to relatives; and

5 “(iii) satisfies State and local require-
6 ments, including those referenced in sec-
7 tion 658E(c)(2)(I) of the Child Care and
8 Development Block Grant Act of 1990
9 ((42 U.S.C. 9858c)(c)(2)(I)); or

10 “(C) a new child care provider that, on or
11 before the date such provider begins to provide
12 child care services, will—

13 “(i) be licensed, regulated, or reg-
14 istered in the State, territory, or Indian
15 Tribe; and

16 “(ii) meet applicable State and local
17 health and safety requirements.

18 “(4) USE OF FUNDS.—An eligible entity that
19 receives funds through a subgrant authorized under
20 this subsection shall use such funds to modify, ren-
21 ovate, upgrade, maintain, or repair a child care facil-
22 ity to—

23 “(A) meet applicable State and local health
24 and safety requirements; or

1 “(B) increase the capacity of the provider
2 to offer child care services, including modifica-
3 tions, renovations, upgrades, maintenance, or
4 repairs necessary to—

5 “(i) offer child care during nontradi-
6 tional hours; and

7 “(ii) provide services to more children
8 or specific populations of children, includ-
9 ing infants and toddlers, and children with
10 disabilities.

11 “(5) PROHIBITED USE.—Funds received
12 through a subgrant authorized under this subsection
13 may not be used for the erection of a facility that
14 does not currently exist.

15 “(6) AMENDED PLAN AND REPORT.—If a State
16 elects to authorize the lead agency to provide sub-
17 grants to eligible entities under this subsection, the
18 State shall amend the State plan submitted under
19 section 658E of the Child Care and Development
20 Block Grant Act of 1990 (42 U.S.C. 9859c) to
21 specify—

22 “(A) the goals and outcomes the State in-
23 tends to achieve to improve and increase the
24 availability of safe child care facilities;

1 “(B) how the State will measure and
2 evaluate eligible entities in relation to these
3 goals; and

4 “(C) after the expenditure of such sub-
5 grants by such eligible entities, the State shall
6 submit to the Secretary of Health and Human
7 Services a report that measures, with respect to
8 each such eligible entity—

9 “(i) the amount of the subgrant re-
10 ceived by such entity;

11 “(ii) a list and description of the
12 modifications, renovations, upgrades, main-
13 tenance, and repairs carried out by such
14 entity during such period; and

15 “(iii) using the metrics described in
16 subparagraphs (A) and (B), the extent to
17 which the State improved or increased the
18 availability of safe child care facilities, in-
19 cluding—

20 “(I) in rural areas;

21 “(II) for children receiving sub-
22 sidies under the Child Care and De-
23 velopment Block Grant Act of 1990
24 (42 U.S.C. 9857);

1 “(III) offering care during non-
2 traditional hours; and
3 “(IV) providing services to more
4 children or specific populations of
5 children.”.

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