



Written by [Joe Wolverton, II, J.D.](#) on March 2, 2023

Biden Admin Using CHIPS Act to Force Taxpayers to Fund Daycare for Tech Workers

The Biden administration is using the recently enacted CHIPS Act to force Americans to subsidize childcare for people employed in the manufacturing of semiconductors.

Rather than seeking for some sort of spending bill to work its way through Congress — as is required by the U.S. Constitution — the Biden Commerce Department is using the money being offered to the semiconductor industry to surreptitiously spend taxpayer funds to set up childcare facilities at all the factories receiving money from this latest act of the executive.



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For those of you unfamiliar with the CHIPS Act, here's the quick Wikipedia description:

The act provides roughly \$280 billion in new funding to boost domestic research and manufacturing of semiconductors in the United States. The act channels more than \$52 billion into researching semiconductors and other scientific research, with the primary aim of countering China. Chip suppliers have committed or made announcements totaling over \$300 billion in investments and jobs in anticipation of the passing of the act.

On Tuesday, 28 February, the [Commerce Department issued rules](#) for those corporations who will line up at the trough for the corporate welfare that is the CHIPS Act.

Among the mandates set forth in the Commerce Department's guidelines for seeking to qualify to receive funds from this federal dole is this one:

Applicants requesting over \$150 million in direct funding must also submit plans to provide both their facility and construction workers with access to affordable, accessible, reliable, and high-quality child care.

Put quite simply, taxpayers will now not only be forced to finance the "education" of their neighbors' children, but if those neighbors work for a company receiving handouts under the CHIPS Act they will be paying for their daycare too!

There are constitutional violations with this that should be pointed out.

First, the very first sentence of the U.S. Constitution (not counting the preamble) says:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.



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If there is a law to be passed in the United States to which the states and the people will be legally liable for obeying, it must be passed by Congress, not by the Commerce Department. The Commerce Department's issuing of rules with the power of law is nothing less than the accumulation of legislative power into the hands of the executive.

In the executive branch's forced funding of daycare for people in a particular trade without a bill being passed by the legislative branch and signed by the president — the constitutional method for making laws — our Founding Fathers would have instantly detected the rotting smell of tyranny. They would remember the words of Polybius, Montesquieu, and the imminent jurist William Blackstone, who wrote in 1765, "It is highly necessary for preserving the ballance of the constitution, that the executive power should be a branch, though not the whole, of the legislature. The total union of them, we have seen, would be productive of tyranny."

Advocates of this arrangement of affairs would argue that the necessary checks, balances, and separations are evident in the internal formation and function of the agencies such as the Commerce Department.

Thomas Jefferson had an answer for that, however: "It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a single one. 173 despots would surely be as oppressive as one."

Liberty in the United States today is not under attack from one, single identifiable despot, but from, as the White House boasts, "hundreds of federal agencies and commissions," each of which is permitted by the president to exercise immense legislative, executive, and judicial power.

What is relevant to Americans today is the realization that such consolidation of government authority, in the hands of one (or many) agents of the federal government, is tyrannical and will eventually lead to the denial of the full panoply of rights that should be shielded from bureaucratic despotism.

Finally, apart from the accumulation of powers being accomplished by these alphabet agencies, there is another aspect of this growth of government that is anathema to our republican form of government.

One of the royal abuses of power in the "long train" listed by Thomas Jefferson in the Declaration of Independence seems to accurately describe these agencies' autocratic agenda.

"He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance," Jefferson wrote in the [Declaration of Independence](#).

The swarms of officers in the Commerce Department are now harassing the people to the tune of \$39 billion for the CHIPS Act and the daycare it demands recipients offer to the workers who make the semiconductors and the workers who build the building where the semiconductors are made.

More could be said about the usurpation by the bureaucracy of legislative authority and how that was one of the many factors that brought down the mighty Roman Empire, but there are other constitutional issues with the Commerce Department's dictates.

On January 10, 1794, James Madison made the following observation on the floor of the House of Representatives:

The government of the United States is a definite government, confined to specified objects. It is not like state governments, whose powers are more general. Charity is no part of the legislative duty of the government.



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I cannot undertake to lay my finger on that article of the Constitution which granted a right to Congress of expending, on objects of benevolence, the money of their constituents.

Is it a good thing to provide daycare for workers? Sure. Should taxpayer money be used to pay for it? No. Congress — and much less the Commerce Department — is not authorized by the Constitution to take money from one group of Americans and give it to corporations and then force those corporations to provide child care for their employees. There isn't a single syllable in the Constitution that could even be twisted to grant such a power.

So, when the Commerce Department boasts that the rules it just released for those who want to nose their way into the corporate welfare trough is “part of President Biden’s economic plan to invest in America, stimulating private sector investment, creating good-paying jobs, making more in the United States, and revitalizing communities left behind,” just realize that they are nothing more than the “swarms of officers ... eat[ing] out the substance of the people” — an act of government we fought a war to rid ourselves of — and that funding charity and benevolence and acts of kindness are not within the constitutionally enumerated powers of Congress or the executive branch.



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