

106TH CONGRESS
2D SESSION

H. R. 4750

To establish programs to improve the health and safety of children receiving child care outside the home, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2000

Mr. BRYANT introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish programs to improve the health and safety of children receiving child care outside the home, 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 “Children’s Day Care
5 Health and Safety Improvement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) of the 21,000,000 children under age 6 in
9 the United States, almost 13,000,000 spend some
10 part of their day in child care;

1 (2) a review of State child care regulations in
2 47 States found that more than half of the States
3 had inadequate standards or no standards for $\frac{2}{3}$ of
4 the safety topics reviewed;

5 (3) a research study conducted by the Con-
6 sumer Product Safety Commission in 1998 found
7 that $\frac{2}{3}$ of the 200 licensed child care settings inves-
8 tigated in the study exhibited at least 1 of 8 safety
9 hazards investigated, including insufficient child
10 safety gates, cribs with soft bedding, and unsafe
11 playground surfacing;

12 (4) compliance with recently published vol-
13 untary national safety standards developed by public
14 health and pediatric experts was found to vary con-
15 siderably by State, and the States ranged from a 20
16 percent to a 99 percent compliance rate;

17 (5) in 1997, approximately 31,000 children
18 ages 4 and younger were treated in hospital emer-
19 gency rooms for injuries in child care or school set-
20 tings;

21 (6) the Consumer Product Safety Commission
22 reports that at least 56 children have died in child
23 care settings since 1990;

1 (7) the American Academy of Pediatrics identi-
2 fies safe facilities, equipment, and transportation as
3 elements of quality child care; and

4 (8) a research study of 133 child care centers
5 revealed that 85 percent of the child care center di-
6 rectors believe that health consultation is important
7 or very important for child care centers.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) CHILD WITH A DISABILITY; INFANT OR
11 TODDLER WITH A DISABILITY.—The terms “child
12 with a disability” and “infant or toddler with a dis-
13 ability” have the meanings given the terms in sec-
14 tion 602 of the Individuals with Disabilities Edu-
15 cation Act (20 U.S.C. 1401).

16 (2) ELIGIBLE CHILD CARE PROVIDER.—The
17 term “eligible child care provider” means a provider
18 of child care services for compensation, including a
19 provider of care for a school-age child during non-
20 school hours, that—

21 (A) is licensed, regulated, registered, or
22 otherwise legally operating, under State and
23 local law; and

24 (B) satisfies the State and local require-
25 ments,

1 applicable to the child care services the provider pro-
2 vides.

3 (3) FAMILY CHILD CARE PROVIDER.—The term
4 “family child care provider” means 1 individual who
5 provides child care services for fewer than 24 hours
6 per day, as the sole caregiver, and in a private resi-
7 dence.

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

10 (5) STATE.—The term “State” means any of
11 the several States of the United States, the District
12 of Columbia, the Commonwealth of Puerto Rico, the
13 United States Virgin Islands, Guam, American
14 Samoa, and the Commonwealth of the Northern
15 Mariana Islands.

16 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out
18 this Act \$200,000,000 for fiscal year 2001 and such sums
19 as may be necessary for each subsequent fiscal year.

20 **SEC. 5. PROGRAMS.**

21 The Secretary shall make allotments to eligible States
22 under section 6. The Secretary shall make the allotments
23 to enable the States to establish programs to improve the
24 health and safety of children receiving child care outside
25 the home, by preventing illnesses and injuries associated

1 with that care and promoting the health and well-being
2 of children receiving that care.

3 **SEC. 6. AMOUNTS RESERVED; ALLOTMENTS.**

4 (a) AMOUNTS RESERVED.—The Secretary shall re-
5 serve not more than $\frac{1}{2}$ of 1 percent of the amount appro-
6 priated under section 4 for each fiscal year to make allot-
7 ments to Guam, American Samoa, the United States Vir-
8 gin Islands, and the Commonwealth of the Northern Mar-
9 iana Islands to be allotted in accordance with their respec-
10 tive needs.

11 (b) STATE ALLOTMENTS.—

12 (1) GENERAL RULE.—From the amounts ap-
13 propriated under section 4 for each fiscal year and
14 remaining after reservations are made under sub-
15 section (a), the Secretary shall allot to each State an
16 amount equal to the sum of—

17 (A) an amount that bears the same ratio
18 to 50 percent of such remainder as the product
19 of the young child factor of the State and the
20 allotment percentage of the State bears to the
21 sum of the corresponding products for all
22 States; and

23 (B) an amount that bears the same ratio
24 to 50 percent of such remainder as the product
25 of the school lunch factor of the State and the

1 allotment percentage of the State bears to the
2 sum of the corresponding products for all
3 States.

4 (2) YOUNG CHILD FACTOR.—In this subsection,
5 the term “young child factor” means the ratio of the
6 number of children under 5 years of age in a State
7 to the number of such children in all States, as pro-
8 vided by the most recent annual estimates of popu-
9 lation in the States by the Census Bureau of the De-
10 partment of Commerce.

11 (3) SCHOOL LUNCH FACTOR.—In this sub-
12 section, the term “school lunch factor” means the
13 ratio of the number of children who are receiving
14 free or reduced price lunches under the school lunch
15 program established under the National School
16 Lunch Act (42 U.S.C. 1751 et seq.) in the State to
17 the number of such children in all States, as deter-
18 mined annually by the Department of Agriculture.

19 (4) ALLOTMENT PERCENTAGE.—

20 (A) IN GENERAL.—For purposes of this
21 subsection, the allotment percentage for a State
22 shall be determined by dividing the per capita
23 income of all individuals in the United States,
24 by the per capita income of all individuals in
25 the State.

1 (B) LIMITATIONS.—If an allotment per-
2 centage determined under subparagraph (A) for
3 a State—

4 (i) is more than 1.2 percent, the allot-
5 ment percentage of the State shall be con-
6 sidered to be 1.2 percent; and

7 (ii) is less than 0.8 percent, the allot-
8 ment percentage of the State shall be con-
9 sidered to be 0.8 percent.

10 (C) PER CAPITA INCOME.—For purposes
11 of subparagraph (A), per capita income shall
12 be—

13 (i) determined at 2-year intervals;

14 (ii) applied for the 2-year period be-
15 ginning on October 1 of the first fiscal
16 year beginning after the date such deter-
17 mination is made; and

18 (iii) equal to the average of the an-
19 nual per capita incomes for the most re-
20 cent period of 3 consecutive years for
21 which satisfactory data are available from
22 the Department of Commerce on the date
23 such determination is made.

24 (c) DATA AND INFORMATION.—The Secretary shall
25 obtain from each appropriate Federal agency, the most re-

1 cent data and information necessary to determine the al-
2 lotments provided for in subsection (b).

3 (d) DEFINITION.—In this section, the term “State”
4 includes only the several States of the United States, the
5 District of Columbia, and the Commonwealth of Puerto
6 Rico.

7 **SEC. 7. STATE APPLICATIONS.**

8 To be eligible to receive an allotment under section
9 6, a State shall submit an application to the Secretary
10 at such time, in such manner, and containing such infor-
11 mation as the Secretary may require. The application shall
12 contain information assessing the needs of the State with
13 regard to child care health and safety, the goals to be
14 achieved through the program carried out by the State
15 under this Act, and the measures to be used to assess the
16 progress made by the State toward achieving the goals.

17 **SEC. 8. USE OF FUNDS.**

18 (a) IN GENERAL.—A State that receives an allotment
19 under section 6 shall use the funds made available through
20 the allotment to carry out 2 or more activities consisting
21 of—

22 (1) providing training and education to eligible
23 child care providers on preventing injuries and ill-
24 nesses in children, and promoting health-related
25 practices;

1 (2) strengthening licensing, regulation, or reg-
2 istration standards for eligible child care providers;

3 (3) assisting eligible child care providers in
4 meeting licensing, regulation, or registration stand-
5 ards, including rehabilitating the facilities of the
6 providers, in order to bring the facilities into compli-
7 ance with the standards;

8 (4) enforcing licensing, regulation, or registra-
9 tion standards for eligible child care providers, in-
10 cluding holding increased unannounced inspections
11 of the facilities of those providers;

12 (5) providing health consultants to provide ad-
13 vice to eligible child care providers;

14 (6) assisting eligible child care providers in en-
15 hancing the ability of the providers to serve children
16 with disabilities and infants and toddlers with dis-
17 abilities;

18 (7) conducting criminal background checks for
19 eligible child care providers and other individuals
20 who have contact with children in the facilities of the
21 providers;

22 (8) providing information to parents on what
23 factors to consider in choosing a safe and healthy
24 child care setting; or

1 (9) assisting in improving the safety of trans-
2 portation practices for children enrolled in child care
3 programs with eligible child care providers.

4 (b) SUPPLEMENT, NOT SUPPLANT.—Funds appro-
5 priated pursuant to the authority of this Act shall be used
6 to supplement and not supplant other Federal, State, and
7 local public funds expended to provide services for eligible
8 individuals.

9 **SEC. 9. REPORTS.**

10 Each State that receives an allotment under section
11 6 shall annually prepare and submit to the Secretary a
12 report that describes—

13 (1) the activities carried out with funds made
14 available through the allotment; and

15 (2) the progress made by the State toward
16 achieving the goals described in the application sub-
17 mitted by the State under section 7.

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