

108TH CONGRESS
1ST SESSION

S. 389

To increase the supply of quality child care.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2003

Mr. ROBERTS (for himself, Ms. COLLINS, and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Finance

FEBRUARY 25, 2003

Committee discharged; referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To increase the supply of quality child care.

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 “Caring for Children
5 Act”.

1 **TITLE I—DISSEMINATION OF IN-**
 2 **FORMATION ABOUT QUALITY**
 3 **CHILD CARE**

4 **SEC. 101. COLLECTION AND DISSEMINATION OF INFORMA-**
 5 **TION.**

6 (a) COLLECTION AND DISSEMINATION OF INFORMA-
 7 TION.—The Secretary of Health and Human Services
 8 shall, directly or through a contract awarded on a competi-
 9 tive basis to a qualified entity, collect and disseminate—

10 (1) information concerning health and safety in
 11 various child care settings that would assist in—

12 (A) the provision of safe and healthful en-
 13 vironments by child care providers; and

14 (B) the evaluation of child care providers
 15 by parents; and

16 (2) relevant findings in the field of early child-
 17 hood learning and development.

18 (b) INFORMATION AND FINDINGS TO BE GEN-
 19 ERALLY AVAILABLE.—

20 (1) SECRETARIAL RESPONSIBILITY.—The Sec-
 21 retary of Health and Human Services shall make the
 22 information and findings described in subsection (a)
 23 generally available to States, units of local govern-
 24 ments, private nonprofit child care organizations (in-

1 cluding resource and referral agencies), employers,
2 child care providers, and parents.

3 (2) DEFINITION OF GENERALLY AVAILABLE.—

4 In paragraph (1), the term “generally available”
5 means that the information and findings shall be
6 distributed through resources that are used by, and
7 available to, the public, including such resources as
8 brochures, Internet web sites, toll-free telephone in-
9 formation lines, and public and private resource and
10 referral organizations.

11 **SEC. 102. GRANTS FOR THE DEVELOPMENT OF A CHILD**
12 **CARE TRAINING INFRASTRUCTURE.**

13 (a) AUTHORITY TO AWARD GRANTS.—The Secretary
14 of Health and Human Services shall award grants to eligi-
15 ble entities to develop distance learning child care training
16 technology infrastructures and to develop model tech-
17 nology-based training courses for child care providers and
18 child care workers, to be provided through distance learn-
19 ing programs made available through the infrastructure.
20 The Secretary shall, to the maximum extent possible, en-
21 sure that such grants are awarded in those regions of the
22 United States with the fewest training opportunities for
23 child care providers.

24 (b) ELIGIBILITY REQUIREMENTS.—To be eligible to
25 receive a grant under subsection (a), an entity shall—

1 (1) develop the technological and logistical as-
 2 pects of the infrastructure described in this section
 3 and have the capability of implementing and main-
 4 taining the infrastructure;

5 (2) to the maximum extent possible, develop
 6 partnerships with secondary schools, institutions of
 7 higher education, State and local government agen-
 8 cies, and private child care organizations for the
 9 purpose of sharing equipment, technical assistance,
 10 and other technological resources, including—

11 (A) developing sites from which individuals
 12 may access the training;

13 (B) converting standard child care training
 14 courses to programs for distance learning; and

15 (C) promoting ongoing networking among
 16 program participants; and

17 (3) develop a mechanism for participants to—

18 (A) evaluate the effectiveness of the infra-
 19 structure, including the availability and afford-
 20 ability of the infrastructure, and the training
 21 offered through the infrastructure; and

22 (B) make recommendations for improve-
 23 ments to the infrastructure.

24 (c) APPLICATION.—To be eligible to receive a grant
 25 under subsection (a), an entity shall submit an application

1 to the Secretary at such time and in such manner as the
2 Secretary may require, and that includes—

3 (1) a description of the partnership organiza-
4 tions through which the distance learning programs
5 will be made available;

6 (2) the capacity of the infrastructure in terms
7 of the number and type of distance learning pro-
8 grams that will be made available;

9 (3) the expected number of individuals to par-
10 ticipate in the distance learning programs; and

11 (4) such additional information as the Secretary
12 may require.

13 (d) LIMITATION ON FEES.—No entity receiving a
14 grant under this section may collect fees from an indi-
15 vidual for participation in a distance learning program
16 funded in whole or in part under this section that exceed
17 the pro rata share of the amount expended by the entity
18 to provide materials for the program and to develop, im-
19 plement, and maintain the infrastructure (minus the
20 amount of the grant awarded under this section).

21 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed as requiring a child care provider
23 to subscribe to or complete a distance learning program
24 made available under this section.

1 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this title \$50,000,000 for each of fiscal years 2003
4 through 2007.

5 **TITLE II—REMOVAL OF BAR-**
6 **RIERS TO INCREASING THE**
7 **SUPPLY OF QUALITY CHILD**
8 **CARE**

9 **SEC. 201. SMALL BUSINESS CHILD CARE GRANT PROGRAM.**

10 (a) ESTABLISHMENT.—The Secretary of Health and
11 Human Services (referred to in this section as the “Sec-
12 retary”) shall establish a program to award grants to
13 States, on a competitive basis, to assist States in providing
14 funds to encourage the establishment and operation of em-
15 ployer operated child care programs.

16 (b) APPLICATION.—To be eligible to receive a grant
17 under this section, a State shall prepare and submit to
18 the Secretary an application at such time, in such manner,
19 and containing such information as the Secretary may re-
20 quire, including an assurance that the funds required
21 under subsection (e) will be provided.

22 (c) AMOUNT OF GRANT.—The Secretary shall deter-
23 mine the amount of a grant to a State under this section
24 based on the population of the State as compared to the
25 population of all States receiving grants under this sec-
26 tion.

1 (d) USE OF FUNDS.—

2 (1) IN GENERAL.—A State shall use amounts
3 provided under a grant awarded under this section
4 to provide assistance to small businesses located in
5 the State to enable the small businesses to establish
6 and operate child care programs. Such assistance
7 may include—

8 (A) technical assistance in the establish-
9 ment of a child care program;

10 (B) assistance for the startup costs related
11 to a child care program;

12 (C) assistance for the training of child care
13 providers;

14 (D) scholarships for low-income wage earn-
15 ers;

16 (E) the provision of services to care for
17 sick children or to provide care to school aged
18 children;

19 (F) the entering into of contracts with
20 local resource and referral or local health de-
21 partments;

22 (G) assistance for care for children with
23 disabilities; or

24 (H) assistance for any other activity deter-
25 mined appropriate by the State.

1 (2) APPLICATION.—To be eligible to receive as-
2 sistance from a State under this section, a small
3 business shall prepare and submit to the State an
4 application at such time, in such manner, and con-
5 taining such information as the State may require.

6 (3) PREFERENCE.—

7 (A) IN GENERAL.—In providing assistance
8 under this section, a State shall give priority to
9 applicants that desire to form a consortium to
10 provide child care in a geographic area within
11 the State where such care is not generally avail-
12 able or accessible.

13 (B) CONSORTIUM.—For purposes of sub-
14 paragraph (A), a consortium shall be made up
15 of 2 or more entities that may include busi-
16 nesses, nonprofit agencies or organizations,
17 local governments, or other appropriate entities.

18 (4) LIMITATION.—With respect to grant funds
19 received under this section, a State may not provide
20 in excess of \$100,000 in assistance from such funds
21 to any single applicant.

22 (e) MATCHING REQUIREMENT.—To be eligible to re-
23 ceive a grant under this section a State shall provide as-
24 surances to the Secretary that, with respect to the costs
25 to be incurred by an entity receiving assistance in carrying

1 out activities under this section, the entity will make avail-
2 able (directly or through donations from public or private
3 entities) non-Federal contributions to such costs in an
4 amount equal to—

5 (1) for the first fiscal year in which the entity
6 receives such assistance, not less than 50 percent of
7 such costs (\$1 for each \$1 of assistance provided to
8 the entity under the grant);

9 (2) for the second fiscal year in which the enti-
10 ty receives such assistance, not less than $66\frac{2}{3}$ per-
11 cent of such costs (\$2 for each \$1 of assistance pro-
12 vided to the entity under the grant); and

13 (3) for the third fiscal year in which the entity
14 receives such assistance, not less than 75 percent of
15 such costs (\$3 for each \$1 of assistance provided to
16 the entity under the grant).

17 (f) REQUIREMENTS OF PROVIDERS.—To be eligible
18 to receive assistance under a grant awarded under this
19 section a child care provider shall comply with all applica-
20 ble State and local licensing and regulatory requirements
21 and all applicable health and safety standards in effect
22 in the State.

23 (g) ADMINISTRATION.—

24 (1) STATE RESPONSIBILITY.—A State shall
25 have responsibility for administering a grant award-

1 ed for the State under this section and for moni-
2 toring entities that receive assistance under such
3 grant.

4 (2) AUDITS.—A State shall require each entity
5 receiving assistance under the grant awarded under
6 this section to conduct an annual audit with respect
7 to the activities of the entity. Such audits shall be
8 submitted to the State.

9 (3) MISUSE OF FUNDS.—

10 (A) REPAYMENT.—If the State determines,
11 through an audit or otherwise, that an entity
12 receiving assistance under a grant awarded
13 under this section has misused the assistance,
14 the State shall notify the Secretary of the mis-
15 use. The Secretary, upon such a notification,
16 may seek from such an entity the repayment of
17 an amount equal to the amount of any such mis-
18 used assistance plus interest.

19 (B) APPEALS PROCESS.—The Secretary
20 shall by regulation provide for an appeals proc-
21 ess with respect to repayments under this para-
22 graph.

23 (h) REPORTING REQUIREMENTS.—

24 (1) 2-YEAR STUDY.—

1 (A) IN GENERAL.—Not later than 2 years
2 after the date on which the Secretary first
3 awards grants under this section, the Secretary
4 shall conduct a study to determine—

5 (i) the capacity of entities to meet the
6 child care needs of communities within
7 States;

8 (ii) the kinds of partnerships that are
9 being formed with respect to child care at
10 the local level to carry out programs fund-
11 ed under this section; and

12 (iii) who is using the programs funded
13 under this section and the income levels of
14 such individuals.

15 (B) REPORT.—Not later than 28 months
16 after the date on which the Secretary first
17 awards grants under this section, the Secretary
18 shall prepare and submit to the appropriate
19 committees of Congress a report on the results
20 of the study conducted in accordance with sub-
21 paragraph (A).

22 (2) 4-YEAR STUDY.—

23 (A) IN GENERAL.—Not later than 4 years
24 after the date on which the Secretary first
25 awards grants under this section, the Secretary

1 shall conduct a study to determine the number
2 of child care facilities funded through entities
3 that received assistance through a grant award-
4 ed under this section that remain in operation
5 and the extent to which such facilities are meet-
6 ing the child care needs of the individuals
7 served by such facilities.

8 (B) REPORT.—Not later than 52 months
9 after the date on which the Secretary first
10 awards grants under this section, the Secretary
11 shall prepare and submit to the appropriate
12 committees of Congress a report on the results
13 of the study conducted in accordance with sub-
14 paragraph (A).

15 (i) DEFINITION.—In this section, the term “small
16 business” means an employer who employed an average
17 of at least 2 but not more than 50 employees on business
18 days during the preceding calendar year.

19 (j) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There is authorized to be
21 appropriated to carry out this section, \$60,000,000
22 for the period of fiscal years 2004 through 2006.

23 (2) EVALUATIONS AND ADMINISTRATION.—

24 With respect to the total amount appropriated for
25 such period in accordance with this subsection, not

1 more than \$5,000,000 of that amount may be used
2 for expenditures related to conducting evaluations
3 required under, and the administration of, this sec-
4 tion.

5 (k) TERMINATION OF PROGRAM.—The program es-
6 tablished under subsection (a) shall terminate on Sep-
7 tember 30, 2007.

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