

Calendar No. 72108TH CONGRESS
1ST SESSION**S. 880****[Report No. 108-37]**

To amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, to improve early learning opportunities and promote school preparedness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2003

Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, reported the following original bill; which was read twice and placed on the calendar

A BILL

To amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, to improve early learning opportunities and promote school preparedness, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Caring for Children Act of 2003”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT
OF 1990

- Sec. 101. Short title and goals.
- Sec. 102. Authorization of appropriations.
- Sec. 103. Lead agency.
- Sec. 104. State plan.
- Sec. 105. Activities to improve the quality of child care.
- Sec. 106. Optional priority use of additional funds.
- Sec. 107. Reporting requirements.
- Sec. 108. National activities.
- Sec. 109. Grants and hotline.
- Sec. 110. Definitions.
- Sec. 111. Rules of construction.

TITLE II—ENHANCING SECURITY AT CHILD CARE CENTERS IN
FEDERAL FACILITIES

- Sec. 201. Definitions.
- Sec. 202. Enhancing security.

TITLE III—REMOVAL OF BARRIERS TO INCREASING THE SUPPLY
OF QUALITY CHILD CARE

- Sec. 301. Small business child care grant program.

6 **TITLE I—CHILD CARE AND DE-**
7 **VELOPMENT BLOCK GRANT**
8 **ACT OF 1990**

9 **SEC. 101. SHORT TITLE AND GOALS.**

10 (a) HEADING.—Section 658A of the Child Care and
11 Development Block Grant Act of 1990 (42 U.S.C. 9801
12 note) is amended by striking the section heading and in-
13 serting the following:

1 **“SEC. 658A. SHORT TITLE AND GOALS.”**

2 (b) GOALS.—Section 658A(b) of the Child Care and
3 Development Block Grant Act of 1990 (42 U.S.C. 9801
4 note) is amended—

5 (1) in paragraph (3), by striking “encourage”
6 and inserting “assist”;

7 (2) in paragraph (4), by striking “parents” and
8 all that follows and inserting “low-income working
9 parents;”;

10 (3) by redesignating paragraph (5) as para-
11 graph (8); and

12 (4) by inserting after paragraph (4) the fol-
13 lowing:

14 “(5) to assist States in improving the quality of
15 child care available to families;

16 “(6) to promote school preparedness by encour-
17 aging children, families, and caregivers to engage in
18 developmentally appropriate and age-appropriate ac-
19 tivities in child care settings that will—

20 “(A) improve the children’s social, emo-
21 tional, and behavioral skills; and

22 “(B) foster their early cognitive, pre-read-
23 ing, and language development;

24 “(7) to promote parental and family involve-
25 ment in the education of young children in child care
26 settings; and”.

1 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 658B of the Child Care and Development
3 Block Grant Act of 1990 (42 U.S.C. 9858) is amended
4 by striking “subchapter” and all that follows and inserting
5 “subchapter \$2,300,000,000 for fiscal year 2004,
6 \$2,500,000,000 for fiscal year 2005, \$2,700,000,000 for
7 fiscal year 2006, \$2,900,000,000 for fiscal year 2007, and
8 \$3,100,000,000 for fiscal year 2008.”.

9 **SEC. 103. LEAD AGENCY.**

10 Section 658D(a) of the Child Care and Development
11 Block Grant Act of 1990 (42 U.S.C. 9858b(a)) is amend-
12 ed by striking “designate” and all that follows and insert-
13 ing “designate an agency (which may be an appropriate
14 collaborative agency), or establish a joint interagency of-
15 fice, that complies with the requirements of subsection (b)
16 to serve as the lead agency for the State under this sub-
17 chapter.”.

18 **SEC. 104. STATE PLAN.**

19 (a) LEAD AGENCY.—Section 658E(c)(1) of the Child
20 Care and Development Block Grant Act of 1990 (42
21 U.S.C. 9858c(c)(1)) is amended by striking “designated”
22 and inserting “designated or established”.

23 (b) POLICIES AND PROCEDURES.—Section
24 658E(c)(2) of the Child Care and Development Block
25 Grant Act of 1990 (42 U.S.C. 9858c(c)(2)) is amended—

1 (1) in subparagraph (A)(i)(II), by striking “sec-
2 tion 658P(2)” and inserting “section 658T(2)”;

3 (2) by striking subparagraph (D) and inserting
4 the following:

5 “(D) CONSUMER AND CHILD CARE PRO-
6 VIDER EDUCATION INFORMATION.—Certify that
7 the State will—

8 “(i) collect and disseminate, through
9 resource and referral services and other
10 means as determined by the State, to par-
11 ents of eligible children, child care pro-
12 viders, and the general public, information
13 regarding—

14 “(I) the promotion of informed
15 child care choices, including informa-
16 tion about the quality and availability
17 of child care services;

18 “(II) research and best practices
19 concerning children’s development, in-
20 cluding early cognitive development;

21 “(III) the availability of assist-
22 ance to obtain child care services; and

23 “(IV) other programs for which
24 families that receive child care serv-
25 ices for which financial assistance is

1 provided under this subchapter may
2 be eligible, including the food stamp
3 program established under the Food
4 Stamp Act of 1977 (7 U.S.C. 2011 et
5 seq.), the special supplemental nutri-
6 tion program for women, infants, and
7 children established by section 17 of
8 the Child Nutrition Act of 1966 (42
9 U.S.C. 1786), the child and adult care
10 food program established under sec-
11 tion 17 of the Richard B. Russell Na-
12 tional School Lunch Act (42 U.S.C.
13 1766), and the medicaid and State
14 children's health insurance programs
15 under titles XIX and XXI of the So-
16 cial Security Act (42 U.S.C. 1396 et
17 seq. and 1397aa et seq.); and

18 “(ii) report to the Secretary the man-
19 ner in which the consumer education infor-
20 mation described in clause (i) was provided
21 to parents and the number of parents to
22 whom such consumer education informa-
23 tion was provided, during the period of the
24 previous State plan.”; and

25 (3) by adding at the end the following:

1 “(I) PROTECTION FOR WORKING PAR-
2 ENTS.—

3 “(i) REDETERMINATION PROCESS.—

4 Describe the procedures and policies that
5 are in place to ensure that working parents
6 (especially parents in families receiving as-
7 sistance under a State program funded
8 under part A of title IV of the Social Secu-
9 rity Act (42 U.S.C. 601 et seq.)) are not
10 required to unduly disrupt their employ-
11 ment in order to comply with the State’s
12 requirements for redetermination of eligi-
13 bility for assistance under this subchapter.

14 “(ii) MINIMUM PERIOD.—Dem-
15 onstrate that each child that receives as-
16 sistance under this subchapter in the State
17 will receive such assistance for not less
18 than 6 months before the State redeter-
19 mines the eligibility of the child under this
20 subchapter, except as provided in clause
21 (iii).

22 “(iii) PERIOD BEFORE TERMI-
23 NATION.—At the option of the State, dem-
24 onstrate that the State will not terminate
25 assistance under this subchapter based on

1 a parent’s loss of work or cessation of at-
2 tendance at a job training or educational
3 program for which the family was receiving
4 the assistance, without continuing the as-
5 sistance for a reasonable period of time, of
6 not less than 1 month, after such loss or
7 cessation in order for the parent to engage
8 in a job search and resume work, or re-
9 sume attendance of a job training or edu-
10 cational program, as soon as possible.

11 “(J) COORDINATION WITH OTHER PRO-
12 GRAMS.—Describe how the State, in order to
13 expand accessibility and continuity of quality
14 early care and early education, will coordinate
15 the early childhood education activities assisted
16 under this subchapter with—

17 “(i) programs carried out under the
18 Head Start Act (42 U.S.C. 9831 et seq.),
19 including the Early Head Start programs
20 carried out under section 645A of that Act
21 (42 U.S.C. 9840a);

22 “(ii)(I) Early Reading First and Even
23 Start programs carried out under subparts
24 2 and 3 of part B of title I of the Elemen-

1 tary and Secondary Education Act of 1965
2 (20 U.S.C. 6371 et seq., 6381 et seq.); and

3 “(II) other preschool programs carried
4 out under title I of that Act (20 U.S.C.
5 6301 et seq.);

6 “(iii) programs carried out under sec-
7 tion 619 and part C of the Individuals
8 with Disabilities Education Act (20 U.S.C.
9 1419, 1431 et seq.);

10 “(iv) State prekindergarten programs;
11 and

12 “(v) other early childhood education
13 programs.

14 “(K) TRAINING IN EARLY LEARNING AND
15 CHILDHOOD DEVELOPMENT.—Describe any
16 training requirements that are in effect within
17 the State that are designed to enable child care
18 providers to promote the social, emotional,
19 physical, and cognitive development of children
20 and that are applicable to child care providers
21 that provide services for which assistance is
22 made available under this subchapter in the
23 State.

24 “(L) PUBLIC-PRIVATE PARTNERSHIPS.—
25 Demonstrate how the State is encouraging

1 partnerships among State agencies, other public
2 agencies, and private entities, to leverage exist-
3 ing service delivery systems (as of the date of
4 submission of the State plan) for early child-
5 hood education and to increase the supply and
6 quality of child care services for children who
7 are less than 13 years of age.

8 “(M) ACCESS TO CARE FOR CERTAIN POP-
9 ULATIONS.—Demonstrate how the State is ad-
10 dressing the child care needs of parents eligible
11 for child care services for which assistance is
12 provided under this subchapter, who have chil-
13 dren with special needs, work nontraditional
14 hours, or require child care services for infants
15 and toddlers.

16 “(N) COORDINATION WITH TITLE IV OF
17 THE SOCIAL SECURITY ACT.—Describe how the
18 State will inform parents receiving assistance
19 under a State program funded under part A of
20 title IV of the Social Security Act (42 U.S.C.
21 601 et seq.) and low-income parents about eligi-
22 bility for assistance under this subchapter.”.

23 (c) USE OF BLOCK GRANT FUNDS.—Section
24 658E(c)(3) the Child Care and Development Block Grant
25 Act of 1990 (42 U.S.C. 9858c(c)(3)) is amended—

1 (1) in subparagraph (A), by striking “as re-
2 quired under” and inserting “in accordance with”;
3 and

4 (2) in subparagraph (B)—

5 (A) by striking “The State” and inserting
6 the following:

7 “(i) IN GENERAL.—The State”;

8 (B) in clause (i) (as designated in subpara-
9 graph (A)), by striking “appropriate to realize
10 any of the goals specified in paragraphs (2)
11 through (5) of section 658A(b)” and inserting
12 “appropriate (which may include an activity de-
13 scribed in clause (ii)) to realize any of the goals
14 specified in paragraphs (2) through (8) of sec-
15 tion 658A(b)”;

16 (C) by adding at the end the following:

17 “(ii) CHILD CARE RESOURCE AND RE-
18 FERRAL SYSTEM.—A State may use
19 amounts described in clause (i) to establish
20 or support a system of local child care re-
21 source and referral organizations coordi-
22 nated by a statewide private, nonprofit,
23 community-based lead child care resource
24 and referral organization. The local child

1 care resource and referral organizations
2 shall—

3 “(I) provide parents in the State
4 with information, and consumer edu-
5 cation, concerning the full range of
6 child care options, including child care
7 provided during nontraditional hours
8 and through emergency child care
9 centers, in their communities;

10 “(II) collect and analyze data on
11 the supply of and demand for child
12 care in political subdivisions within
13 the State;

14 “(III) submit reports to the State
15 containing data and analysis described
16 in clause (II); and

17 “(IV) work to establish partner-
18 ships with public agencies and private
19 entities to increase the supply and
20 quality of child care services.”.

21 (d) DIRECT SERVICES.—Section 658E(c)(3) of the
22 Child Care and Development Block Grant Act of 1990 (42
23 U.S.C. 9858c(c)(3)) is amended—

24 (1) in subparagraph (A), by striking “(D)” and
25 inserting “(E)”; and

1 (2) by adding at the end the following:

2 “(E) DIRECT SERVICES.—From amounts
3 provided to a State for a fiscal year to carry
4 out this subchapter, the State shall—

5 “(i) reserve the minimum amount re-
6 quired to be reserved under section 658G,
7 and the funds for costs described in sub-
8 paragraph (C); and

9 “(ii) from the remainder, use not less
10 than 70 percent to fund direct services (as
11 defined by the State).”.

12 (e) PAYMENT RATES.—Section 658E(c)(4) of the
13 Child Care and Development Block Grant Act of 1990 (42
14 U.S.C. 9858c(c)(4)) is amended—

15 (1) in subparagraph (A), by striking “The
16 State plan” and all that follows and inserting the
17 following:

18 “(i) SURVEY.—The State plan shall—

19 “(I) demonstrate that the State
20 has, after consulting with local area
21 child care program administrators, de-
22 veloped and conducted a statistically
23 valid and reliable survey of the market
24 rates for child care services in the
25 State (that reflects variations in the

1 cost of child care services by geo-
2 graphic area, type of provider, and
3 age of child) within the 2 years pre-
4 ceding the date of the submission of
5 the application containing the State
6 plan;

7 “(II) detail the results of the
8 State market rates survey conducted
9 pursuant to subclause (I);

10 “(III) describe how the State will
11 provide for timely payment for child
12 care services, and set payment rates
13 for child care services, for which as-
14 sistance is provided under this sub-
15 chapter in accordance with the results
16 of the market rates survey conducted
17 pursuant to subclause (I) without re-
18 ducing the number of families in the
19 State receiving such assistance under
20 this subchapter, relative to the num-
21 ber of such families on the date of in-
22 troduction of the Caring for Children
23 Act of 2003; and

24 “(IV) describe how the State will,
25 not later than 30 days after the com-

1 completion of the survey described in sub-
2 clause (I), make the results of the
3 survey widely available through public
4 means, including posting the results
5 on the Internet.

6 “(ii) EQUAL ACCESS.—The State plan
7 shall include a certification that the pay-
8 ment rates are sufficient to ensure equal
9 access for eligible children to child care
10 services comparable to child care services
11 in the State or substate area that are pro-
12 vided to children whose parents are not eli-
13 gible to receive child care assistance under
14 any Federal or State program.”; and

15 (2) in subparagraph (B)—

16 (A) by striking “Nothing” and inserting
17 the following:

18 “(i) NO PRIVATE RIGHT OF ACTION.—
19 Nothing”; and

20 (B) by adding at the end the following:

21 “(ii) NO PROHIBITION OF CERTAIN
22 DIFFERENT RATES.—Nothing in this sub-
23 chapter shall be construed to prevent a
24 State from differentiating the payment

1 rates described in subparagraph (A) on the
2 basis of—

3 “(I) geographic location of child
4 care providers (such as location in an
5 urban or rural area);

6 “(II) the age or particular needs
7 of children (such as children with spe-
8 cial needs and children served by child
9 protective services); and

10 “(III) whether the providers pro-
11 vide child care during weekend and
12 other nontraditional hours.”.

13 **SEC. 105. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD**
14 **CARE.**

15 Section 658G of the Child Care and Development
16 Block Grant Act of 1990 (42 U.S.C. 9858e) is amended
17 to read as follows:

18 **“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF**
19 **CHILD CARE.**

20 “(a) IN GENERAL.—

21 “(1) RESERVATION.—Each State that receives
22 funds to carry out this subchapter for a fiscal year
23 shall reserve and use not less than 6 percent of the
24 funds for activities provided directly, or through
25 grants or contracts with resource and referral orga-

1 nizations or other appropriate entities, that are de-
2 signed to improve the quality of child care services.

3 “(2) ACTIVITIES.—The funds reserved under
4 paragraph (1) may only be used to—

5 “(A) develop and implement voluntary
6 guidelines on pre-reading and language skills
7 and activities, for child care programs in the
8 State, that are aligned with State standards for
9 kindergarten through grade 12 or the State’s
10 general goals for school preparedness;

11 “(B) support activities and provide tech-
12 nical assistance in Federal, State, and local
13 child care settings to enhance early learning for
14 young children, to promote literacy, and to fos-
15 ter school preparedness;

16 “(C) offer training, professional develop-
17 ment, and educational opportunities for child
18 care providers that relate to the use of develop-
19 mentally appropriate and age-appropriate cur-
20 ricula, and early childhood teaching strategies,
21 that are scientifically based and aligned with
22 the social, emotional, physical, and cognitive de-
23 velopment of children, including—

24 “(i) developing and operating distance
25 learning child care training infrastructures;

1 “(ii) developing model technology-
2 based training courses;

3 “(iii) offering training for caregivers
4 in informal child care settings; and

5 “(iv) offering training for child care
6 providers who care for infants and toddlers
7 and children with special needs.

8 “(D) engage in programs designed to in-
9 crease the retention and improve the com-
10 petencies of child care providers, including wage
11 incentive programs and initiatives that establish
12 tiered payment rates for providers that meet or
13 exceed child care services guidelines, as defined
14 by the State;

15 “(E) evaluate and assess the quality and
16 effectiveness of child care programs and serv-
17 ices offered in the State to young children on
18 improving overall school preparedness; and

19 “(F) carry out other activities determined
20 by the State to improve the quality of child care
21 services provided in the State and for which
22 measurement of outcomes relating to improved
23 child safety, child well-being, or school pre-
24 paredness is possible.

1 “(b) CERTIFICATION.—Beginning with fiscal year
2 2004, the State shall annually submit to the Secretary a
3 certification in which the State certifies that the State was
4 in compliance with subsection (a) during the preceding fis-
5 cal year and describes how the State used funds made
6 available to carry out this subchapter to comply with sub-
7 section (a) during that preceding fiscal year.

8 “(c) STRATEGY.—The State shall annually submit to
9 the Secretary—

10 “(1) beginning with fiscal year 2004, an outline
11 of the strategy the State will implement during that
12 fiscal year to address the quality of child care serv-
13 ices for which financial assistance is made available
14 under this subchapter, including—

15 “(A) a statement specifying how the State
16 will address the activities carried out under sub-
17 section (a);

18 “(B) a description of quantifiable, objective
19 measures that the State will use to evaluate the
20 State’s progress in improving the quality of the
21 child care services (including measures regard-
22 ing the impact, if any, of State efforts to im-
23 prove the quality by increasing payment rates,
24 as defined in section 658H(c)), evaluating sepa-
25 rately the impact of the activities listed in each

1 of such subparagraphs on the quality of the
2 child care services; and

3 “(C) a list of State-developed child care
4 services quality targets quantified for such fis-
5 cal year for such measures; and

6 “(2) beginning with fiscal year 2005, a report
7 on the State’s progress in achieving such targets for
8 the preceding fiscal year.

9 “(d) IMPROVEMENT PLAN.—If the Secretary deter-
10 mines that a State failed to make progress as described
11 in subsection (c)(2) for a fiscal year—

12 “(1) the State shall submit an improvement
13 plan that describes the measures the State will take
14 to make that progress; and

15 “(2) the State shall comply with the improve-
16 ment plan by a date specified by the Secretary but
17 not later than 1 year after the date of the deter-
18 mination.

19 “(e) CONSTRUCTION.—Nothing in this subchapter
20 shall be construed to require that the State apply meas-
21 ures for evaluating quality of child care services to specific
22 types of child care providers.”.

1 **SEC. 106. OPTIONAL PRIORITY USE OF ADDITIONAL FUNDS.**

2 The Child Care and Development Block Grant Act
3 of 1990 is amended by inserting after section 658G (42
4 U.S.C. 9858e) the following:

5 **“SEC. 658H. OPTIONAL PRIORITY USE OF ADDITIONAL**
6 **FUNDS.**

7 “(a) IN GENERAL.—If a State receives funds to carry
8 out this subchapter for a fiscal year, and the amount of
9 the funds exceeds the amount of funds the State received
10 to carry out this subchapter for fiscal year 2003, the State
11 shall consider using a portion of the excess—

12 “(1) to support payment rate increases in ac-
13 cordance with the market rate survey conducted pur-
14 suant to section 658E(c)(4);

15 “(2) to support the establishment of tiered pay-
16 ment rates as described in section 658G(a)(2)(D);
17 and

18 “(3) to support payment rate increases for care
19 for children in communities served by local edu-
20 cational agencies that have been identified for im-
21 provement under section 1116(c)(3) of the Elemen-
22 tary and Secondary Education Act of 1965 (20
23 U.S.C. 6316(c)(3)).

24 “(b) NO REQUIREMENT TO REDUCE CHILD CARE
25 SERVICES.—Nothing in this section shall be construed to
26 require a State to take an action that the State determines

1 would result in a reduction of child care services to fami-
 2 lies of eligible children.

3 “(c) PAYMENT RATE.—In this section, the term ‘pay-
 4 ment rate’ means the rate of State payment or reimburse-
 5 ment to providers for subsidized child care.”.

6 **SEC. 107. REPORTING REQUIREMENTS.**

7 (a) HEADING.—Section 658K of the Child Care and
 8 Development Block Grant Act of 1990 (42 U.S.C. 9858i)
 9 is amended by striking the section heading and inserting
 10 the following:

11 **“SEC. 658K. REPORTS AND AUDITS.”.**

12 (b) REQUIRED INFORMATION.—Section 658K(a) of
 13 the Child Care and Development Block Grant Act of 1990
 14 (42 U.S.C. 9858i(a)) is amended to read as follows:

15 “(a) REPORTS.—

16 “(1) IN GENERAL.—A State that receives funds
 17 to carry out this subchapter shall collect the infor-
 18 mation described in paragraph (2) on a monthly
 19 basis.

20 “(2) REQUIRED INFORMATION.—The informa-
 21 tion required under this paragraph shall include,
 22 with respect to a family unit receiving assistance
 23 under this subchapter, information concerning—

24 “(A) family income;

25 “(B) county of residence;

1 “(C) the gender, race, and age of children
2 receiving such assistance;

3 “(D) whether the head of the family unit
4 is a single parent;

5 “(E) the sources of family income, includ-
6 ing—

7 “(i) employment, including self-em-
8 ployment; and

9 “(ii) assistance under a State pro-
10 gram funded under part A of title IV of
11 the Social Security Act (42 U.S.C. 601 et
12 seq.) and a State program for which State
13 spending is counted toward the mainte-
14 nance of effort requirement under section
15 409(a)(7) of the Social Security Act (42
16 U.S.C. 609(a)(7));

17 “(F) the type of child care in which the
18 child was enrolled (such as family child care,
19 home care, center-based child care, or other
20 types of child care described in section
21 658T(5));

22 “(G) whether the child care provider in-
23 volved was a relative;

24 “(H) the cost of child care for such family,
25 separately stating the amount of the subsidy

1 payment of the State and the amount of the co-
2 payment of the family toward such cost;

3 “(I) the average hours per month of such
4 care;

5 “(J) household size;

6 “(K) whether the parent involved reports
7 that the child has an individualized education
8 program or an individualized family service plan
9 described in section 602 or 636 of the Individ-
10 uals with Disabilities Education Act (20 U.S.C.
11 1401 and 1436); and

12 “(L) the reason for any termination of
13 benefits under this subchapter, including wheth-
14 er the termination was due to—

15 “(i) the child’s age exceeding the al-
16 lowable limit;

17 “(ii) the family income exceeding the
18 State eligibility limit;

19 “(iii) the State recertification or ad-
20 ministrative requirements not being met;

21 “(iv) parent work, training, or edu-
22 cation status no longer meeting State re-
23 quirements;

24 “(v) a nonincome related change in
25 status; or

1 “(vi) other reasons;
2 during the period for which such information is re-
3 quired to be submitted.

4 “(3) SUBMISSION TO SECRETARY.—A State de-
5 scribed in paragraph (1) shall, on a quarterly basis,
6 submit to the Secretary the information required to
7 be collected under paragraph (2) and the number of
8 children and families receiving assistance under this
9 subchapter (stated on a monthly basis). Information
10 on the number of families receiving the assistance
11 shall also be posted on the website of such State. In
12 the fourth quarterly report of each year, a State de-
13 scribed in paragraph (1) shall also submit to the
14 Secretary information on the annual number and
15 type of child care providers (as described in section
16 658T(5)) that received funding under this sub-
17 chapter and the annual number of payments made
18 by the State through vouchers, under contracts, or
19 by payment to parents reported by type of child care
20 provider.

21 “(4) USE OF SAMPLES.—

22 “(A) AUTHORITY.—A State may comply
23 with the requirement to collect the information
24 described in paragraph (2) through the use of
25 disaggregated case record information on a

1 sample of families selected through the use of
2 scientifically acceptable sampling methods ap-
3 proved by the Secretary.

4 “(B) SAMPLING AND OTHER METHODS.—
5 The Secretary shall provide the States with
6 such case sampling plans and data collection
7 procedures as the Secretary determines nec-
8 essary to produce statistically valid samples of
9 the information described in paragraph (2). The
10 Secretary may develop and implement proce-
11 dures for verifying the quality of data sub-
12 mitted by the States.”.

13 (c) PERIOD OF COMPLIANCE AND WAIVERS.—

14 (1) IN GENERAL.—States shall have 2 years
15 from the date of enactment of this Act to comply
16 with the changes to data collection and reporting re-
17 quired by the amendments made by this section.

18 (2) WAIVERS.—The Secretary of Health and
19 Human Services may grant a waiver from paragraph
20 (1) to States with plans to procure data systems.

21 **SEC. 108. NATIONAL ACTIVITIES.**

22 Section 658L of the Child Care and Development
23 Block Grant Act of 1990 (42 U.S.C. 9858j) is amended
24 to read as follows:

1 **“SEC. 658L. NATIONAL ACTIVITIES.**

2 “(a) REPORT.—

3 “(1) IN GENERAL.—The Secretary shall, not
4 later than April 30, 2004, and annually thereafter,
5 prepare and submit to the Committee on Education
6 and the Workforce of the House of Representatives
7 and the Committee on Health, Education, Labor,
8 and Pensions of the Senate, and, not later than 30
9 days after the date of such submission, post on the
10 Department of Health and Human Services website,
11 a report that contains the following:

12 “(A) A summary and analysis of the data
13 and information provided to the Secretary in
14 the State reports submitted under sections
15 658E, 658G(c), and 658K.

16 “(B) Aggregated statistics on and an anal-
17 ysis of the supply of, demand for, and quality
18 of child care, early education, and nonschool-
19 hour programs.

20 “(C) An assessment and, where appro-
21 priate, recommendations for Congress con-
22 cerning efforts that should be undertaken to
23 improve the access of the public to quality and
24 affordable child care in the United States.

25 “(D) A progress report describing the
26 progress of the States in streamlining data re-

1 porting, the Secretary’s plans and activities to
2 provide technical assistance to States, and an
3 explanation of any barriers to getting data in
4 an accurate and timely manner.

5 “(2) COLLECTION OF INFORMATION.—The Sec-
6 retary may make arrangements with resource and
7 referral organizations, to utilize the child care data
8 system of the resource and referral organizations at
9 the national, State, and local levels, to collect the in-
10 formation required by paragraph (1)(B).

11 “(b) GRANTS TO IMPROVE QUALITY AND ACCESS.—

12 “(1) IN GENERAL.—The Secretary shall award
13 grants to States, from allotments made under para-
14 graph (2), to improve the quality of and access to
15 child care for infants and toddlers, subject to the
16 availability of appropriations for this purpose.

17 “(2) ALLOTMENTS.—From funds reserved
18 under section 6580(a)(3) for a fiscal year, the Sec-
19 retary shall allot to each State an amount that bears
20 the same relationship to such funds as the amount
21 the State receives for the fiscal year under section
22 6580 bears to the amount all States receive for the
23 fiscal year under section 6580.

24 “(c) TOLL-FREE HOTLINE.—The Secretary shall
25 award a grant or contract, or enter into a cooperative

1 agreement for the operation of a national toll-free hotline
2 to assist families in accessing local information on child
3 care options and providing consumer education materials,
4 subject to the availability of appropriations for this pur-
5 pose.

6 “(d) TECHNICAL ASSISTANCE.—The Secretary shall
7 provide technical assistance to States on developing and
8 conducting the State market rates survey described in sec-
9 tion 658E(c)(4)(A)(i).”.

10 **SEC. 109. GRANTS AND HOTLINE.**

11 Section 658O(a) of the Child Care and Development
12 Block Grant Act of 1990 (42 U.S.C. 9858m(a)) is amend-
13 ed by adding at the end the following:

14 “(3) GRANTS TO IMPROVE QUALITY AND AC-
15 CESS.—The Secretary shall reserve an amount not
16 to exceed \$100,000,000 for each fiscal year to carry
17 out section 658L(b), subject to the availability of ap-
18 propriations for this purpose.

19 “(4) TOLL-FREE HOTLINE.—The Secretary
20 shall reserve an amount not to exceed \$1,000,000 to
21 carry out section 658L(c), subject to the availability
22 of appropriations for this purpose.”.

23 **SEC. 110. DEFINITIONS.**

24 (a) ELIGIBLE CHILD.—Section 658P(4)(B) of the
25 Child Care and Development Block Grant Act of 1990 (42

1 U.S.C. 9858n(4)(B)) is amended by striking “85 percent
2 of the State median income for a family of the same size”
3 and inserting “an income level determined by the State
4 involved, with priority based on need as defined by the
5 State”.

6 (b) CHILD WITH SPECIAL NEEDS.—Section 658P of
7 the Child Care and Development Block Grant Act of 1990
8 (42 U.S.C. 9858n) is amended by inserting after para-
9 graph (2) the following:

10 “(3) CHILD WITH SPECIAL NEEDS.—The term
11 ‘child with special needs’ means—

12 “(A) a child with a disability, as defined in
13 section 602 of the Individuals with Disabilities
14 Education Act (20 U.S.C. 1401); and

15 “(B) a child who is eligible for early inter-
16 vention services under part C of the Individuals
17 with Disabilities Education Act (20 U.S.C.
18 1431 et seq.).”.

19 (c) LEAD AGENCY.—Section 658P(8) of the Child
20 Care and Development Block Grant Act of 1990 (42
21 U.S.C. 9858n(8)) is amended by striking “section
22 658B(a)” and inserting “section 658D(a)”.

23 (d) NATIVE HAWAIIAN ORGANIZATION.—Section
24 658P(14)(B) of the Child Care and Development Block
25 Grant Act of 1990 (42 U.S.C. 9858n(14)(B)) is amended

1 by striking “Native Hawaiian Organization, as defined in
 2 section 4009(4) of the Augustus F. Hawkins-Robert T.
 3 Stafford Elementary and Secondary School Improvement
 4 Amendments of 1988 (20 U.S.C. 4909(4))” and inserting
 5 “Native Hawaiian organization, as defined in section 7207
 6 of the Elementary and Secondary Education Act of 1965
 7 (20 U.S.C. 7517)”.

8 (e) REDESIGNATION.—The Child Care and Develop-
 9 ment Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)
 10 is amended—

11 (1) by redesignating section 658P as section
 12 658T; and

13 (2) by moving that section 658T to the end of
 14 the Act.

15 **SEC. 111. RULES OF CONSTRUCTION.**

16 The Child Care and Development Block Grant Act
 17 of 1990 (as amended by section 110(e)) is further amend-
 18 ed by inserting after section 658O (42 U.S.C. 9858m) the
 19 following:

20 **“SEC. 658P. RULES OF CONSTRUCTION.**

21 “Nothing in this subchapter shall be construed to re-
 22 quire a State to impose State child care licensing require-
 23 ments on any type of early childhood provider, including
 24 any such provider who is exempt from State child care

1 licensing requirements on the date of enactment of the
2 Caring for Children Act of 2003.”.

3 **TITLE II—ENHANCING SECURITY**
4 **AT CHILD CARE CENTERS IN**
5 **FEDERAL FACILITIES**

6 **SEC. 201. DEFINITIONS.**

7 In this title:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of General Serv-
10 ices.

11 (2) CORRESPONDING CHILD CARE FACILITY.—
12 The term “corresponding child care facility”, used
13 with respect to the Chief Administrative Officer of
14 the House of Representatives, the Librarian of Con-
15 gress, or the head of a designated entity in the Sen-
16 ate, means a child care facility operated by, or under
17 a contract or licensing agreement with, an office of
18 the House of Representatives, the Library of Con-
19 gress, or an office of the Senate, respectively.

20 (3) ENTITY SPONSORING A CHILD CARE FACIL-
21 ITY.—The term “entity sponsoring”, used with re-
22 spect to a child care facility, means a Federal agen-
23 cy that operates, or an entity that enters into a con-
24 tract or licensing agreement with a Federal agency

1 to operate, a child care facility primarily for the use
2 of Federal employees.

3 (4) EXECUTIVE AGENCY.—The term “Executive
4 agency” has the meaning given the term in section
5 105 of title 5, United States Code, except that the
6 term—

7 (A) does not include the Department of
8 Defense and the Coast Guard; and

9 (B) includes the General Services Adminis-
10 tration, with respect to the administration of a
11 facility described in paragraph (5)(B).

12 (5) EXECUTIVE FACILITY.—The term “execu-
13 tive facility”—

14 (A) means a facility that is owned or
15 leased by an Executive agency; and

16 (B) includes a facility that is owned or
17 leased by the General Services Administration
18 on behalf of a judicial office.

19 (6) FEDERAL AGENCY.—The term “Federal
20 agency” means an Executive agency, a legislative of-
21 fice, or a judicial office.

22 (7) JUDICIAL FACILITY.—The term “judicial fa-
23 cility” means a facility that is owned or leased by a
24 judicial office (other than a facility that is also a fa-
25 cility described in paragraph (5)(B)).

1 (8) JUDICIAL OFFICE.—The term “judicial of-
2 fice” means an entity of the judicial branch of the
3 Federal Government.

4 (9) LEGISLATIVE FACILITY.—The term “legisla-
5 tive facility” means a facility that is owned or leased
6 by a legislative office.

7 (10) LEGISLATIVE OFFICE.—The term “legisla-
8 tive office” means an entity of the legislative branch
9 of the Federal Government.

10 **SEC. 202. ENHANCING SECURITY.**

11 (a) COVERAGE.—

12 (1) EXECUTIVE BRANCH.—The Administrator
13 shall issue the regulations described in subsection
14 (b) for child care facilities, and entities sponsoring
15 child care facilities, in executive facilities.

16 (2) LEGISLATIVE BRANCH.—The Chief Admin-
17 istrative Officer of the House of Representatives, the
18 Librarian of Congress, and the head of a designated
19 entity in the Senate shall issue the regulations de-
20 scribed in subsection (b) for corresponding child care
21 facilities, and entities sponsoring the corresponding
22 child care facilities, in legislative facilities.

23 (3) JUDICIAL BRANCH.—The Director of the
24 Administrative Office of the United States Courts
25 shall issue the regulations described in subsection

1 (b) for child care facilities, and entities sponsoring
2 child care facilities, in judicial facilities.

3 (b) REGULATIONS.—The officers and designated en-
4 tity described in subsection (a) shall issue regulations that
5 concern—

6 (1) matters relating to an occupant emergency
7 plan and evacuations, such as—

8 (A) providing for building security com-
9 mittee membership for each director of a child
10 care facility described in subsection (a);

11 (B) establishing a separate section in an
12 occupant emergency plan for each such facility;

13 (C) promoting familiarity with procedures
14 and evacuation routes for different types of
15 emergencies (such as emergencies caused by
16 hazardous materials, a fire, a bomb threat, a
17 power failure, or a natural disaster);

18 (D) strengthening onsite relationships be-
19 tween security personnel and the personnel of
20 such a facility, such as by ensuring that the
21 post orders of guards reflect responsibility for
22 the facility;

23 (E) providing specific, clear, and concise
24 evacuation instructions for a facility, including

1 instructions specifying who authorizes an evacu-
2 ation;

3 (F) providing for good evacuation equip-
4 ment, especially cribs; and

5 (G) promoting the ability to evacuate with-
6 out outside assistance; and

7 (2) matters relating to relocation sites, such
8 as—

9 (A) promoting an informed parent body
10 that is knowledgeable about evacuation proce-
11 dures and relocation sites;

12 (B) providing regularly updated parent
13 contact information (regarding matters such as
14 names, locations, electronic mail addresses, and
15 cell phone and other telephone numbers);

16 (C) establishing remote telephone contact
17 for parents, to and from areas that are not less
18 than 10 miles from such a facility; and

19 (D) providing for an alternate site (in ad-
20 dition to regular sites) in the event of a catas-
21 trophe, which site may include—

22 (i) a site that would be an unreason-
23 able distance from the facility under nor-
24 mal circumstances; and

1 (ii) a facility with 24-hour operations,
2 such as a hotel or law school library.

3 **TITLE III—REMOVAL OF BAR-**
4 **RIERS TO INCREASING THE**
5 **SUPPLY OF QUALITY CHILD**
6 **CARE**

7 **SEC. 301. SMALL BUSINESS CHILD CARE GRANT PROGRAM.**

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

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

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

25 (d) USE OF FUNDS.—

1 (1) IN GENERAL.—A State shall use amounts
2 provided under a grant awarded under this section
3 to provide assistance to a consortium of a small
4 business and other appropriate entities 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) the acquisition, construction, renova-
9 tion, and operation of child care facilities and
10 equipment;

11 (B) technical assistance in the establish-
12 ment of a child care program;

13 (C) assistance for the startup costs related
14 to a child care program;

15 (D) assistance for the training of child
16 care providers;

17 (E) scholarships for low-income wage earn-
18 ers;

19 (F) the provision of services to care for
20 sick children or to provide care to school-aged
21 children;

22 (G) the entering into of contracts with
23 local resource and referral or local health de-
24 partments;

1 (H) assistance for care for children with
2 disabilities; or

3 (I) assistance for any other activity deter-
4 mined appropriate by the State (including
5 loans, grants, investment guarantees, interest
6 subsidies, or other mechanisms to expand the
7 availability of, and improve the quality of, em-
8 ployer-operated child care in the State).

9 (2) APPLICATION.—To be eligible to receive as-
10 sistance from a State under this section, a consor-
11 tium shall prepare and submit to the State an appli-
12 cation at such time, in such manner, and containing
13 such information as the State may require.

14 (3) PREFERENCE.—In providing assistance
15 under this section, a State shall give priority to a
16 consortium that desires to provide child care in a ge-
17 ographic area within the State where such care is
18 not generally available or accessible.

19 (4) LIMITATION.—With respect to grant funds
20 received under this section, a State may not provide
21 in excess of \$500,000 in assistance from such funds
22 to any single applicant.

23 (e) MATCHING REQUIREMENT.—To be eligible to re-
24 ceive a grant under this section, a State shall provide as-
25 surances to the Secretary that, with respect to the costs

1 to be incurred by a consortium receiving assistance from
2 the State to carry out activities under this section—

3 (1) the consortium will make available non-Fed-
4 eral contributions to such costs in an amount equal
5 to—

6 (A) for the first fiscal year in which the
7 consortium receives such assistance, not less
8 than 50 percent of such costs;

9 (B) for the second fiscal year in which the
10 consortium receives such assistance, not less
11 than $66\frac{2}{3}$ percent of such costs; and

12 (C) for the third fiscal year in which the
13 consortium receives such assistance, not less
14 than 75 percent of such costs; and

15 (2) the consortium will make the contributions
16 available—

17 (A) directly or through donations from
18 public or private entities; and

19 (B) as determined by the State, in cash or
20 in kind, fairly evaluated, including plant, equip-
21 ment, or services.

22 (f) REQUIREMENTS OF PROVIDERS.—To be eligible
23 to receive assistance under a grant awarded under this
24 section, a child care provider shall comply with all applica-
25 ble State and local licensing and regulatory requirements

1 and all applicable health and safety standards in effect
2 in the State.

3 (g) STATE-LEVEL ACTIVITIES.—A State may not re-
4 tain more than 3 percent of the amount described in sub-
5 section (e) for State administration and other State-level
6 activities.

7 (h) ADMINISTRATION.—

8 (1) STATE RESPONSIBILITY.—A State shall
9 have responsibility for administering a grant award-
10 ed for the State under this section and for moni-
11 toring consortia that receive assistance under such
12 grant.

13 (2) AUDITS.—A State shall require each con-
14 sortium receiving assistance under a grant awarded
15 under this section to conduct an annual audit with
16 respect to the activities of the consortium. Such au-
17 dits shall be submitted to the State.

18 (3) MISUSE OF FUNDS.—

19 (A) REPAYMENT.—If the State determines,
20 through an audit or otherwise, that a consor-
21 tium receiving assistance under a grant award-
22 ed under this section has misused the assist-
23 ance, the State shall notify the Secretary of the
24 misuse. The Secretary, upon such a notifica-
25 tion, may seek from such a consortium the re-

1 payment of an amount equal to the amount of
2 any such misused assistance plus interest.

3 (B) APPEALS PROCESS.—The Secretary
4 shall by regulation provide for an appeals proc-
5 ess with respect to repayments under this para-
6 graph.

7 (i) REPORTING REQUIREMENTS.—

8 (1) 2-YEAR STUDY.—

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

13 (i) the capacity of consortia to meet
14 the child care needs of communities within
15 States;

16 (ii) the kinds of consortia that are
17 being formed with respect to child care at
18 the local level to carry out programs fund-
19 ed under this section; and

20 (iii) who is using the programs funded
21 under this section and the income levels of
22 such individuals.

23 (B) REPORT.—Not later than 28 months
24 after the date on which the Secretary first
25 awards grants under this section, the Secretary

1 shall prepare and submit to the appropriate
2 committees of Congress a report on the results
3 of the study conducted in accordance with sub-
4 paragraph (A).

5 (2) 4-YEAR STUDY.—

6 (A) IN GENERAL.—Not later than 4 years
7 after the date on which the Secretary first
8 awards grants under this section, the Secretary
9 shall conduct a study to determine the number
10 of child care facilities that are funded through
11 consortia that received assistance through a
12 grant awarded under this section and that re-
13 main in operation and the extent to which such
14 facilities are meeting the child care needs of the
15 individuals served by such facilities.

16 (B) REPORT.—Not later than 52 months
17 after the date on which the Secretary first
18 awards grants under this section, the Secretary
19 shall prepare and submit to the appropriate
20 committees of Congress a report on the results
21 of the study conducted in accordance with sub-
22 paragraph (A).

23 (j) DEFINITION.—In this section:

24 (1) CONSORTIUM.—The term “consortium”
25 means 2 or more entities that—

1 (A) shall include at least 1 small business;
2 and

3 (B) may include other small businesses,
4 nonprofit agencies or community development
5 corporations, local governments, or other appro-
6 priate entities.

7 (2) SMALL BUSINESS.—The term “small busi-
8 ness” means an employer who employed an average
9 of at least 2 but not more than 50 employees on
10 business days during the preceding calendar year.

11 (k) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be
13 appropriated to carry out this section, \$30,000,000
14 for the period of fiscal years 2004 through 2008.

15 (2) EVALUATIONS AND ADMINISTRATION.—
16 With respect to the total amount appropriated for
17 such period in accordance with this subsection, not
18 more than \$2,500,000 of that amount may be used
19 for expenditures related to conducting evaluations
20 required under, and the administration of, this sec-
21 tion.

22 (l) TERMINATION OF PROGRAM.—The program es-
23 tablished under subsection (a) shall terminate on Sep-
24 tember 30, 2009.

Calendar No. 72

108TH CONGRESS
1ST SESSION

S. 880

[Report No. 108-37]

A BILL

To amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, to improve early learning opportunities and promote school preparedness, and for other purposes.

APRIL 10, 2003

Read twice and placed on the calendar