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109TH CONGRESS
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S. 525

[Report No. 109-130]

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

MARCH 3, 2005

Mr. ALEXANDER (for himself, Mr. DODD, Mr. ENZI, Mr. KENNEDY, Mr. HATCH, Mr. ROBERTS, and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

AUGUST 31, 2005

Reported under authority of the order of the Senate of July 29, 2005, by Mr. ENZI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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 2005”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
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. Allocation of funds for Indian tribes; quality improvement; and a hot-
line.

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, and
24 prenumeracy and mathematics skills;

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

4 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 658B of the Child Care and Development
6 Block Grant Act of 1990 (42 U.S.C. 9858) is amended
7 by striking “subchapter” and all that follows and inserting
8 “subchapter \$2,300,000,000 for fiscal year 2006,
9 \$2,500,000,000 for fiscal year 2007, \$2,700,000,000 for
10 fiscal year 2008, \$2,900,000,000 for fiscal year 2009, and
11 \$3,100,000,000 for fiscal year 2010.”.

12 **SEC. 103. LEAD AGENCY.**

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

21 **SEC. 104. STATE PLAN.**

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

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

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

6 (2) by striking subparagraph (D) and inserting
 7 the following:

8 “(D) CONSUMER AND CHILD CARE PRO-
 9 VIDER EDUCATION INFORMATION.—Certify that
 10 the State will—

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

17 “(I) the promotion of informed
 18 child care choices, including informa-
 19 tion about the quality and availability
 20 of child care services;

21 “(II) research and best practices
 22 concerning children’s development, in-
 23 cluding early cognitive development;

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

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

21 “(ii) report to the Secretary the man-
22 ner in which the consumer education infor-
23 mation described in clause (i) was provided
24 to parents and the number of parents to
25 whom such consumer education informa-

1 tion was provided, during the period of the
2 previous State plan.”;

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

5 “(E) COMPLIANCE WITH STATE AND TRIB-
6 AL LICENSING REQUIREMENTS.—

7 “(i) IN GENERAL.—Certify that the
8 State (or the Indian tribe or tribal organi-
9 zation) involved has in effect licensing re-
10 quirements applicable to child care services
11 provided within the State (or area served
12 by the tribe or organization), and provide
13 a detailed description of such requirements
14 and of how such requirements are effec-
15 tively enforced.

16 “(ii) CONSTRUCTION.—Nothing in
17 clause (i) shall be construed to require that
18 licensing requirements be applied to spe-
19 cific types of providers of child care serv-
20 ices.”;

21 (4) in subparagraph (F)—

22 (A) in the first sentence, by striking “with-
23 in the State, under State or local law,” and in-
24 serting “within the State (or area served by the

1 Indian tribe or tribal organization), under State
 2 or local law (or tribal law),” and

3 (B) in the second sentence, by striking
 4 “State or local law” and inserting “State or
 5 local law (or tribal law)”; and

6 (5) by adding at the end the following:

7 “(I) PROTECTION FOR WORKING PAR-
 8 ENTS.—

9 “(i) REDETERMINATION PROCESS.—

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

20 “(ii) MINIMUM PERIOD.—Dem-
 21 onstrate that each child that receives as-
 22 sistance under this subchapter in the State
 23 will receive such assistance for not less
 24 than 6 months before the State redeter-
 25 mines the eligibility of the child under this

1 subchapter, except as provided in clause
2 (iii).

3 “(iii) PERIOD BEFORE TERMINATION.—At the option of the State, dem-
4 onstrate that the State will not terminate
5 assistance under this subchapter based on
6 a parent’s loss of work or cessation of at-
7 tendance at a job training or educational
8 program for which the family was receiving
9 the assistance, without continuing the as-
10 sistance for a reasonable period of time, of
11 not less than 1 month, after such loss or
12 cessation in order for the parent to engage
13 in a job search and resume work, or re-
14 sume attendance of a job training or edu-
15 cational program, as soon as possible.

16 “(J) COORDINATION WITH OTHER PRO-
17 GRAMS.—Describe how the State, in order to
18 expand accessibility and continuity of quality
19 early care and early education, will coordinate
20 the early childhood education activities assisted
21 under this subchapter with—

22 “(i) programs carried out under the
23 Head Start Act (42 U.S.C. 9831 et seq.);
24 including the Early Head Start programs
25

1 carried out under section 645A of that Act
2 (42 U.S.C. 9840a);

3 “(ii)(I) ~~Early Reading First and Even~~
4 ~~Start~~ programs carried out under subparts
5 2 and 3 of part B of title I of the ~~Elemen-~~
6 ~~tary and Secondary Education Act of 1965~~
7 ~~(20 U.S.C. 6371 et seq., 6381 et seq.);~~

8 “(II) other preschool programs carried
9 out under title I of that Act ~~(20 U.S.C.~~
10 ~~6301 et seq.); and~~

11 “(III) the ~~Ready-to-Learn Television~~
12 ~~program~~ carried out under subpart 3 of
13 part D of title II of the ~~Elementary and~~
14 ~~Secondary Education Act of 1965 (20~~
15 ~~U.S.C. 6775 et seq.);~~

16 “(iii) programs carried out under sec-
17 tion 619 and part C of the ~~Individuals~~
18 ~~with Disabilities Education Act;~~

19 “(iv) ~~State prekindergarten programs;~~
20 ~~and~~

21 “(v) other early childhood education
22 programs.

23 “(K) ~~TRAINING IN EARLY LEARNING AND~~
24 ~~CHILDHOOD DEVELOPMENT.~~—Describe any
25 training requirements that are in effect within

1 the State that are designed to enable child care
2 providers to promote the social, emotional,
3 physical, and cognitive development of children
4 and that are applicable to child care providers
5 that provide services for which assistance is
6 made available under this subchapter in the
7 State.

8 “(L) PUBLIC-PRIVATE PARTNERSHIPS.—
9 Demonstrate how the State is encouraging
10 partnerships among State agencies, other public
11 agencies, and private entities, to leverage exist-
12 ing service delivery systems (as of the date of
13 submission of the State plan) for early child-
14 hood education and to increase the supply and
15 quality of child care services for children who
16 are less than 13 years of age.

17 “(M) ACCESS TO CARE FOR CERTAIN POP-
18 ULATIONS.—Demonstrate how the State is ad-
19 dressing the child care needs of parents eligible
20 for child care services for which assistance is
21 provided under this subchapter, who have chil-
22 dren with special needs, work nontraditional
23 hours, or require child care services for infants
24 and toddlers.

1 “(N) COORDINATION WITH TITLE IV OF
 2 THE SOCIAL SECURITY ACT.—Describe how the
 3 State will inform parents receiving assistance
 4 under a State program funded under part A of
 5 title IV of the Social Security Act (42 U.S.C.
 6 601 et seq.) and low-income parents about eligi-
 7 bility for assistance under this subchapter.”

8 (e) USE OF BLOCK GRANT FUNDS.—Section
 9 658E(e)(3) the Child Care and Development Block Grant
 10 Act of 1990 (42 U.S.C. 9858e(e)(3)) is amended—

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

14 (2) in subparagraph (B)—

15 (A) by striking “The State” and inserting
 16 the following:

17 “(i) IN GENERAL.—The State”;

18 (B) in clause (i) (as designated in subpara-
 19 graph (A)), by striking “appropriate to realize
 20 any of the goals specified in paragraphs (2)
 21 through (5) of section 658A(b)” and inserting
 22 “appropriate (which may include an activity de-
 23 scribed in clause (ii)) to realize any of the goals
 24 specified in paragraphs (2) through (8) of sec-
 25 tion 658A(b)”;

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

2 “(ii) CHILD CARE RESOURCE AND RE-
3 FERRAL SYSTEM.—A State may use
4 amounts described in clause (i) to establish
5 or support a system of local child care re-
6 source and referral organizations coordi-
7 nated, to the extent determined appro-
8 priate by the State, by a statewide private,
9 nonprofit, community-based lead child care
10 resource and referral organization. The
11 local child care resource and referral orga-
12 nizations shall—

13 “(I) provide parents in the State
14 with information, and consumer edu-
15 cation, concerning the full range of
16 child care options, including child care
17 provided during nontraditional hours
18 and through emergency child care
19 centers, in their communities;

20 “(II) collect and analyze data on
21 the supply of and demand for child
22 care in political subdivisions within
23 the State;

1 “~~(III)~~ submit reports to the State
2 containing data and analysis described
3 in clause ~~(II)~~; and

4 “~~(IV)~~ work to establish partner-
5 ships with public agencies and private
6 entities to increase the supply and
7 quality of child care services.”.

8 (d) ~~DIRECT SERVICES.~~—Section 658E(e)(3) of the
9 Child Care and Development Block Grant Act of 1990 (42
10 U.S.C. 9858e(e)(3)) is amended—

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

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

14 “~~(E)~~ ~~DIRECT SERVICES.~~—From amounts
15 provided to a State for a fiscal year to carry
16 out this subchapter, the State shall—

17 “(i) reserve the minimum amount re-
18 quired to be reserved under section 658G,
19 and the funds for costs described in sub-
20 paragraph (C); and

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

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

4 (1) in subparagraph (A), by striking “The
5 State plan” and all that follows and inserting the
6 following:

7 “(i) SURVEY.—The State plan shall—
8 “(I) demonstrate that the State
9 has, after consulting with local area
10 child care program administrators, de-
11 veloped and conducted a statistically
12 valid and reliable survey of the market
13 rates for child care services in the
14 State (that reflects variations in the
15 cost of child care services by geo-
16 graphic area, type of provider, and
17 age of child) within the 2 years pre-
18 ceeding the date of the submission of
19 the application containing the State
20 plan;

21 “(II) detail the results of the
22 State market rates survey conducted
23 pursuant to subclause (I);

24 “(III) describe how the State will
25 provide for timely payment for child

1 care services, and set payment rates
2 for child care services, for which as-
3 sistance is provided under this sub-
4 chapter in accordance with the results
5 of the market rates survey conducted
6 pursuant to subelause (I) without re-
7 ducing the number of families in the
8 State receiving such assistance under
9 this subchapter, relative to the num-
10 ber of such families on the date of in-
11 troduction of the Caring for Children
12 Act of 2005; and

13 “(IV) describe how the State will,
14 not later than 30 days after the com-
15 pletion of the survey described in sub-
16 elause (I), make the results of the
17 survey widely available through public
18 means, including posting the results
19 on the Internet.

20 “(ii) EQUAL ACCESS.—The State plan
21 shall include a certification that the pay-
22 ment rates are sufficient to ensure equal
23 access for eligible children to child care
24 services comparable to child care services
25 in the State or substate area that are pro-

1 vided to children whose parents are not eli-
2 gible to receive child care assistance under
3 any Federal or State program.”; and

4 (2) in subparagraph (B)—

5 (A) by striking “Nothing” and inserting
6 the following:

7 “(i) NO PRIVATE RIGHT OF ACTION.—
8 Nothing”; and

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

10 “(ii) NO PROHIBITION OF CERTAIN
11 DIFFERENT RATES.—Nothing in this sub-
12 chapter shall be construed to prevent a
13 State from differentiating the payment
14 rates described in subparagraph (A) on the
15 basis of—

16 “(I) geographic location of child
17 care providers (such as location in an
18 urban or rural area);

19 “(II) the age or particular needs
20 of children (such as children with spe-
21 cial needs and children served by child
22 protective services);

23 “(III) whether the providers pro-
24 vide child care during weekend and
25 other nontraditional hours; and

1 “(IV) the State’s determination
 2 that such differentiated payment rates
 3 are needed to enable a parent to
 4 choose child care that the parent be-
 5 lieves to be of high quality.”.

6 **SEC. 105. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD**
 7 **CARE.**

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

11 **“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF**
 12 **CHILD CARE.**

13 “(a) IN GENERAL.—

14 “(1) RESERVATION.—Each State that receives
 15 funds to carry out this subchapter for a fiscal year
 16 shall reserve and use not less than 6 percent of the
 17 funds for activities provided directly, or through
 18 grants or contracts with resource and referral orga-
 19 nizations or other appropriate entities, that are de-
 20 signed to improve the quality of child care services.

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

23 “(A) develop and implement voluntary
 24 guidelines on pre-reading and language skills
 25 and activities, and prenumeracy and mathe-

1 matics skills and activities, for child care pro-
2 grams in the State, that are aligned with State
3 standards for kindergarten through grade 12 or
4 the State's general goals for school prepared-
5 ness;

6 “(B) support activities and provide tech-
7 nical assistance in Federal, State, and local
8 child care settings to enhance early learning for
9 preschool and school-aged children, to promote
10 literacy, to foster school preparedness, and to
11 support later school success;

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

20 “(i) developing and operating distance
21 learning child care training infrastructures;

22 “(ii) developing model technology-
23 based training courses;

24 “(iii) offering training for caregivers
25 in informal child care settings; and

1 ~~“(iv) offering training for child care~~
2 ~~providers who care for infants and toddlers~~
3 ~~and children with special needs.~~

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

11 ~~“(E) evaluate and assess the quality and~~
12 ~~effectiveness of child care programs and serv-~~
13 ~~ices offered in the State to young children on~~
14 ~~improving overall school preparedness; and~~

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

21 ~~“(b) CERTIFICATION.—Beginning with fiscal year~~
22 ~~2006, the State shall annually submit to the Secretary a~~
23 ~~certification in which the State certifies that the State was~~
24 ~~in compliance with subsection (a) during the preceding fis-~~
25 ~~cal year and describes how the State used funds made~~

1 available to carry out this subchapter to comply with sub-
2 section (a) during that preceding fiscal year.

3 “(e) STRATEGY.—The State shall annually submit to
4 the Secretary—

5 “(1) beginning with fiscal year 2006, an outline
6 of the strategy the State will implement during that
7 fiscal year to address the quality of child care serv-
8 ices for which financial assistance is made available
9 under this subchapter, including—

10 “(A) a statement specifying how the State
11 will address the activities carried out under sub-
12 section (a);

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

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

1 “(2) beginning with fiscal year 2007, a report
2 on the State’s progress in achieving such targets for
3 the preceding fiscal year.

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

7 “(1) the State shall submit an improvement
8 plan that describes the measures the State will take
9 to make that progress; and

10 “(2) the State shall comply with the improve-
11 ment plan by a date specified by the Secretary but
12 not later than 1 year after the date of the deter-
13 mination.

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

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

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

22 **“SEC. 658H. OPTIONAL PRIORITY USE OF ADDITIONAL**
23 **FUNDS.**

24 “(a) IN GENERAL.—If a State receives funds to carry
25 out this subchapter for a fiscal year, and the amount of

1 the funds exceeds the amount of funds the State received
 2 to carry out this subchapter for fiscal year 2005, the State
 3 shall consider using a portion of the excess—

4 “(1) to support payment rate increases in ac-
 5 cordance with the market rate survey conducted pur-
 6 suant to section 658E(e)(4);

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

10 “(3) to support payment rate increases for care
 11 for children in communities served by local edu-
 12 cational agencies that have been identified for im-
 13 provement under section 1116(e)(3) of the Elemen-
 14 tary and Secondary Education Act of 1965 (20
 15 U.S.C. 6316(e)(3)).

16 “(b) NO REQUIREMENT TO REDUCE CHILD CARE
 17 SERVICES.—Nothing in this section shall be construed to
 18 require a State to take an action that the State determines
 19 would result in a reduction of child care services to fami-
 20 lies of eligible children.

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

1 **SEC. 107. REPORTING REQUIREMENTS.**

2 (a) **HEADING.**—Section 658K of the Child Care and
 3 Development Block Grant Act of 1990 (42 U.S.C. 9858i)
 4 is amended by striking the section heading and inserting
 5 the following:

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

7 (b) **REQUIRED INFORMATION.**—Section 658K(a) of
 8 the Child Care and Development Block Grant Act of 1990
 9 (42 U.S.C. 9858i(a)) is amended to read as follows:

10 “(a) **REPORTS.**—

11 “(1) **IN GENERAL.**—A State that receives funds
 12 to carry out this subchapter shall collect the infor-
 13 mation described in paragraph (2) on a monthly
 14 basis.

15 “(2) **REQUIRED INFORMATION.**—The informa-
 16 tion required under this paragraph shall include,
 17 with respect to a family unit receiving assistance
 18 under this subchapter, information concerning—

19 “(A) family income;

20 “(B) county of residence;

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

23 “(D) whether the head of the family unit
 24 is a single parent;

25 “(E) the sources of family income, includ-
 26 ing—

1 “(i) employment, including self-em-
2 ployment; and

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

11 “(F) the type of child care in which the
12 child was enrolled (such as family child care,
13 home care, center-based child care, or other
14 types of child care described in section
15 658T(5));

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

18 “(H) the cost of child care for such family,
19 separately stating the amount of the subsidy
20 payment of the State and the amount of the co-
21 payment of the family toward such cost;

22 “(I) the average hours per month of such
23 care;

24 “(J) household size;

1 “(K) whether the parent involved reports
 2 that the child has an individualized education
 3 program or an individualized family service
 4 plan, as such terms are defined in section 602
 5 of the Individuals with Disabilities Education
 6 Act; and

7 “(L) the reason for any termination of
 8 benefits under this subchapter, including wheth-
 9 er the termination was due to—

10 “(i) the child’s age exceeding the al-
 11 lowable limit;

12 “(ii) the family income exceeding the
 13 State eligibility limit;

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

16 “(iv) parent work, training, or edu-
 17 cation status no longer meeting State re-
 18 quirements;

19 “(v) a nonincome related change in
 20 status; or

21 “(vi) other reasons;

22 during the period for which such information is re-
 23 quired to be submitted.

24 “(3) SUBMISSION TO SECRETARY.—A State de-
 25 scribed in paragraph (1) shall, on a quarterly basis,

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

16 “(4) USE OF SAMPLES.—

17 “(A) AUTHORITY.—A State may comply
18 with the requirement to collect the information
19 described in paragraph (2) through the use of
20 disaggregated case record information on a
21 sample of families selected through the use of
22 scientifically acceptable sampling methods ap-
23 proved by the Secretary.

24 “(B) SAMPLING AND OTHER METHODS.—

25 The Secretary shall provide the States with

1 such case sampling plans and data collection
 2 procedures as the Secretary determines nec-
 3 essary to produce statistically valid samples of
 4 the information described in paragraph (2). The
 5 Secretary may develop and implement proce-
 6 dures for verifying the quality of data sub-
 7 mitted by the States.”.

8 (e) PERIOD OF COMPLIANCE AND WAIVERS.—

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

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

16 **SEC. 108. NATIONAL ACTIVITIES.**

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

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

21 “(a) REPORT.—

22 “(1) IN GENERAL.—The Secretary shall, not
 23 later than April 30, 2006, and annually thereafter,
 24 prepare and submit to the Committee on Education
 25 and the Workforce of the House of Representatives

1 and the Committee on Health, Education, Labor,
2 and Pensions of the Senate, and, not later than 30
3 days after the date of such submission, post on the
4 Department of Health and Human Services website,
5 a report that contains the following:

6 “(A) A summary and analysis of the data
7 and information provided to the Secretary in
8 the State reports submitted under sections
9 658E, 658G(e), and 658K.

10 “(B) Aggregated statistics on and an anal-
11 ysis of the supply of, demand for, and quality
12 of child care, early education, and nonschool-
13 hour programs.

14 “(C) An assessment and, where appro-
15 priate, recommendations for Congress con-
16 cerning efforts that should be undertaken to
17 improve the access of the public to quality and
18 affordable child care in the United States.

19 “(D) A progress report describing the
20 progress of the States in streamlining data re-
21 porting; the Secretary’s plans and activities to
22 provide technical assistance to States; and an
23 explanation of any barriers to getting data in
24 an accurate and timely manner.

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

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

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

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

20 “(c) TOLL-FREE HOTLINE.—The Secretary shall
21 award a grant or contract, or enter into a cooperative
22 agreement for the operation of a national toll-free hotline
23 to assist families in accessing local information on child
24 care options and providing consumer education materials,

1 subject to the availability of appropriations for this pur-
 2 pose.

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

7 **SEC. 109. ALLOCATION OF FUNDS FOR INDIAN TRIBES,**
 8 **QUALITY IMPROVEMENT, AND A HOTLINE.**

9 (a) **IN GENERAL.**—Section 658O(a) of the Child Care
 10 and Development Block Grant Act of 1990 (42 U.S.C.
 11 9858m(a)) is amended—

12 (1) in paragraph (2), by striking “not less than
 13 1 percent, and not more than 2 percent,” and insert-
 14 ing “2 percent”; and

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

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

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

1 (b) CONFORMING AMENDMENT.—Section 658O(e)(1)
 2 of the Child Care and Development Block Grant Act of
 3 1990 (42 U.S.C. 9858m(e)(1)) is amended by inserting
 4 “(in accordance with the requirements of subparagraphs
 5 (E) and (F) of section 658E(e)(2) for such tribes or orga-
 6 nizations)” after “applications under this section”.

7 **SEC. 110. DEFINITIONS.**

8 (a) ELIGIBLE CHILD.—Section 658P(4) of the Child
 9 Care and Development Block Grant Act of 1990 (42
 10 U.S.C. 9858n(4)) is amended—

11 (1) in subparagraph (B), in the matter pre-
 12 ceeding clause (i), by striking “85 percent of the
 13 State median income for a family of the same size”
 14 and inserting “an income level determined by the
 15 State involved, with priority based on need as de-
 16 fined by the State”; and

17 (2) in subparagraph (C)—

18 (A) in clause (i), by striking “a parent or
 19 parents” and inserting “a parent (including a
 20 legal guardian or foster parent) or parents”;
 21 and

22 (B) by striking clause (ii) and inserting the
 23 following:

24 “(ii)(I) is receiving, or needs to re-
 25 ceive, protective services (which may in-

1 clude foster care) or is a child with signifi-
 2 cant cognitive or physical disabilities as de-
 3 fined by the State; and

4 “(H) resides with a parent (including
 5 a legal guardian or foster parent) or par-
 6 ents not described in clause (i).”.

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

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

13 “(A) a child with a disability, as defined in
 14 section 602 of the Individuals with Disabilities
 15 Education Act;

16 “(B) a child who is eligible for early inter-
 17 vention services under part C of the Individuals
 18 with Disabilities Education Act; and

19 “(C) a child with special needs, as defined
 20 by the State involved.”.

21 (c) LEAD AGENCY.—Section 658P(8) of the Child
 22 Care and Development Block Grant Act of 1990 (42
 23 U.S.C. 9858n(8)) is amended by striking “section
 24 658B(a)” and inserting “section 658D(a)”.

1 (d) PARENT.—Section 658P(9) of the Child Care and
 2 Development Block Grant Act of 1990 (42 U.S.C.
 3 9858n(9)) is amended by inserting “, foster parent,” after
 4 “guardian”.

5 (e) NATIVE HAWAIIAN ORGANIZATION.—Section
 6 658P(14)(B) of the Child Care and Development Block
 7 Grant Act of 1990 (42 U.S.C. 9858n(14)(B)) is amended
 8 by striking “Native Hawaiian Organization, as defined in
 9 section 4009(4) of the Augustus F. Hawkins-Robert T.
 10 Stafford Elementary and Secondary School Improvement
 11 Amendments of 1988 (20 U.S.C. 4909(4))” and inserting
 12 “Native Hawaiian organization, as defined in section 7207
 13 of the Elementary and Secondary Education Act of 1965
 14 (20 U.S.C. 7517)”.

15 (f) REDESIGNATION.—The Child Care and Develop-
 16 ment Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)
 17 is amended—

18 (1) by redesignating section 658P as section
 19 658T; and

20 (2) by moving that section 658T to the end of
 21 the Act.

22 **SEC. 111. RULES OF CONSTRUCTION.**

23 The Child Care and Development Block Grant Act
 24 of 1990 (as amended by section 110(f)) is further amend-

1 ed by inserting after section 6580 (42 U.S.C. 9858m) the
2 following:

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

4 “Nothing in this subchapter shall be construed to re-
5 quire a State to impose State child care licensing require-
6 ments on any type of early childhood provider, including
7 any such provider who is exempt from State child care
8 licensing requirements on the date of enactment of the
9 Caring for Children Act of 2005.”.

10 **TITLE II—ENHANCING SECURITY**
11 **AT CHILD CARE CENTERS IN**
12 **FEDERAL FACILITIES**

13 **SEC. 201. DEFINITIONS.**

14 In this title:

15 (1) **ADMINISTRATOR.**—The term “Adminis-
16 trator” means the Administrator of General Serv-
17 ices.

18 (2) **CORRESPONDING CHILD CARE FACILITY.**—
19 The term “corresponding child care facility”, used
20 with respect to the Chief Administrative Officer of
21 the House of Representatives, the Librarian of Con-
22 gress, or the head of a designated entity in the Sen-
23 ate, means a child care facility operated by, or under
24 a contract or licensing agreement with, an office of

1 the House of Representatives, the Library of Con-
2 gress, or an office of the Senate, respectively.

3 ~~(3) ENTITY SPONSORING A CHILD CARE FACIL-~~
4 ~~ITY.—~~The term “entity sponsoring”, used with re-
5 spect to a child care facility, means a Federal agen-
6 cy that operates, or an entity that enters into a con-
7 tract or licensing agreement with a Federal agency
8 to operate, a child care facility primarily for the use
9 of Federal employees.

10 ~~(4) EXECUTIVE AGENCY.—~~The term “Executive
11 agency”² has the meaning given the term in section
12 105 of title 5, United States Code, except that the
13 term—

14 ~~(A)~~ does not include the Department of
15 Defense and the Coast Guard; and

16 ~~(B)~~ includes the General Services Adminis-
17 tration, with respect to the administration of a
18 facility described in paragraph ~~(5)(B)~~.

19 ~~(5) EXECUTIVE FACILITY.—~~The term “execu-
20 tive facility”²—

21 ~~(A)~~ means a facility that is owned or
22 leased by an Executive agency; and

23 ~~(B)~~ includes a facility that is owned or
24 leased by the General Services Administration
25 on behalf of a judicial office.

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

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

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

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

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

17 **SEC. 202. ENHANCING SECURITY.**

18 (a) COVERAGE.—

19 (1) EXECUTIVE BRANCH.—The Administrator
20 shall issue the regulations described in subsection
21 (b) for child care facilities, and entities sponsoring
22 child care facilities, in executive facilities.

23 (2) LEGISLATIVE BRANCH.—The Chief Admin-
24 istrative Officer of the House of Representatives, the
25 Librarian of Congress, and the head of a designated

1 entity in the Senate shall issue the regulations de-
2 scribed in subsection (b) for corresponding child care
3 facilities, and entities sponsoring the corresponding
4 child care facilities, in legislative facilities.

5 (3) JUDICIAL BRANCH.—The Director of the
6 Administrative Office of the United States Courts
7 shall issue the regulations described in subsection
8 (b) for child care facilities, and entities sponsoring
9 child care facilities, in judicial facilities.

10 (b) REGULATIONS.—The officers and designated en-
11 tity described in subsection (a) shall issue regulations that
12 concern—

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

15 (A) providing for building security com-
16 mittee membership for each director of a child
17 care facility described in subsection (a);

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

20 (C) promoting familiarity with procedures
21 and evacuation routes for different types of
22 emergencies (such as emergencies caused by
23 hazardous materials, a fire, a bomb threat, a
24 power failure, or a natural disaster);

1 (D) strengthening onsite relationships be-
2 tween security personnel and the personnel of
3 such a facility, such as by ensuring that the
4 post orders of guards reflect responsibility for
5 the facility;

6 (E) providing specific, clear, and concise
7 evacuation instructions for a facility, including
8 instructions specifying who authorizes an evacu-
9 ation;

10 (F) providing for good evacuation equip-
11 ment, especially cribs; and

12 (G) promoting the ability to evacuate with-
13 out outside assistance; and

14 (2) matters relating to relocation sites, such
15 as—

16 (A) promoting an informed parent body
17 that is knowledgeable about evacuation proce-
18 dures and relocation sites;

19 (B) providing regularly updated parent
20 contact information (regarding matters such as
21 names, locations, electronic mail addresses, and
22 cell phone and other telephone numbers);

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

1 (D) providing for an alternate site (in ad-
 2 dition to regular sites) in the event of a eatas-
 3 trophe, which site may include—

4 (i) a site that would be an unreason-
 5 able distance from the facility under nor-
 6 mal circumstances; and

7 (ii) a facility with 24-hour operations;
 8 such as a hotel or law school library.

9 **TITLE III—REMOVAL OF BAR-**
 10 **RIERS TO INCREASING THE**
 11 **SUPPLY OF QUALITY CHILD**
 12 **CARE**

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

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

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

1 (c) AMOUNT OF GRANT.—The Secretary shall deter-
2 mine the amount of a grant to a State under this section
3 based on the population of the State as compared to the
4 population of all States receiving grants under this sec-
5 tion.

6 (d) USE OF FUNDS.—

7 (1) IN GENERAL.—A State shall use amounts
8 provided under a grant awarded under this section
9 to provide assistance to small businesses (or con-
10 sortia formed in accordance with paragraph (3)) lo-
11 cated in the State to enable the small businesses (or
12 consortia) to establish and operate child care pro-
13 grams. Such assistance may include—

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

16 (B) assistance for the startup costs related
17 to a child care program;

18 (C) assistance for the training of child care
19 providers;

20 (D) scholarships for low-income wage earn-
21 ers;

22 (E) the provision of services to care for
23 sick children or to provide care to school-aged
24 children;

1 (F) the entering into of contracts with
2 local resource and referral or local health de-
3 partments;

4 (G) assistance for care for children with
5 disabilities;

6 (H) payment of expenses for renovation or
7 operation of a child care facility; or

8 (I) assistance for any other activity deter-
9 mined appropriate by the State.

10 (2) APPLICATION.—In order for a small busi-
11 ness or consortium to be eligible to receive assistance
12 from a State under this section, the small business
13 involved shall prepare and submit to the State an
14 application at such time, in such manner, and con-
15 taining such information as the State may require.

16 (3) PREFERENCE.—

17 (A) IN GENERAL.—In providing assistance
18 under this section, a State shall give priority to
19 an applicant that desires to form a consortium
20 to provide child care in a geographic area with-
21 in the State where such care is not generally
22 available or accessible.

23 (B) CONSORTIUM.—For purposes of sub-
24 paragraph (A), a consortium shall be made up
25 of 2 or more entities that shall include small

1 businesses and that may include large busi-
2 nesses, nonprofit agencies or organizations,
3 local governments, or other appropriate entities.

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

8 (e) MATCHING REQUIREMENT.—To be eligible to re-
9 ceive a grant under this section, a State shall provide as-
10 surances to the Secretary that, with respect to the costs
11 to be incurred by a covered entity receiving assistance in
12 carrying out activities under this section, the covered enti-
13 ty will make available (directly or through donations from
14 public or private entities) non-Federal contributions to
15 such costs in an amount equal to—

16 (1) for the first fiscal year in which the covered
17 entity receives such assistance, not less than 50 per-
18 cent of such costs (\$1 for each \$1 of assistance pro-
19 vided to the covered entity under the grant);

20 (2) for the second fiscal year in which the cov-
21 ered entity receives such assistance, not less than
22 $66\frac{2}{3}$ percent of such costs (\$2 for each \$1 of assist-
23 ance provided to the covered entity under the grant;
24 and

1 (3) for the third fiscal year in which the covered
2 entity receives such assistance, not less than 75 per-
3 cent of such costs (\$3 for each \$1 of assistance pro-
4 vided to the covered entity under the grant.

5 (f) REQUIREMENTS OF PROVIDERS.—To be eligible
6 to receive assistance under a grant awarded under this
7 section, a child care provider shall comply with all applica-
8 ble State and local licensing and regulatory requirements
9 and all applicable health and safety standards in effect
10 in the State.

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

15 (h) ADMINISTRATION.—

16 (1) STATE RESPONSIBILITY.—A State shall
17 have responsibility for administering a grant award-
18 ed for the State under this section and for moni-
19 toring covered entities that receive assistance under
20 such grant.

21 (2) AUDITS.—A State shall require each cov-
22 ered entity receiving assistance under the grant
23 awarded under this section to conduct an annual
24 audit with respect to the activities of the covered en-
25 tity. Such audits shall be submitted to the State.

1 (3) MISUSE OF FUNDS.—

2 (A) REPAYMENT.—If the State determines,
3 through an audit or otherwise, that a covered
4 entity receiving assistance under a grant award-
5 ed under this section has misused the assist-
6 ance, the State shall notify the Secretary of the
7 misuse. The Secretary, upon such a notifica-
8 tion, may seek from such a covered entity the
9 repayment of an amount equal to the amount
10 of any such misused assistance plus interest.

11 (B) APPEALS PROCESS.—The Secretary
12 shall by regulation provide for an appeals proc-
13 ess with respect to repayments under this para-
14 graph.

15 (i) REPORTING REQUIREMENTS.—

16 (1) 2-YEAR STUDY.—

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

21 (i) the capacity of covered entities to
22 meet the child care needs of communities
23 within States;

24 (ii) the kinds of consortia that are
25 being formed with respect to child care at

1 the local level to carry out programs fund-
2 ed under this section; and

3 (iii) who is using the programs funded
4 under this section and the income levels of
5 such individuals.

6 (B) REPORT.—Not later than 28 months
7 after the date on which the Secretary first
8 awards grants under this section, the Secretary
9 shall prepare and submit to the appropriate
10 committees of Congress a report on the results
11 of the study conducted in accordance with sub-
12 paragraph (A).

13 (2) 4-YEAR STUDY.—

14 (A) IN GENERAL.—Not later than 4 years
15 after the date on which the Secretary first
16 awards grants under this section, the Secretary
17 shall conduct a study to determine the number
18 of child care facilities that are funded through
19 covered entities that received assistance through
20 a grant awarded under this section and that re-
21 main in operation, and the extent to which such
22 facilities are meeting the child care needs of the
23 individuals served by such facilities.

24 (B) REPORT.—Not later than 52 months
25 after the date on which the Secretary first

1 awards grants under this section, the Secretary
2 shall prepare and submit to the appropriate
3 committees of Congress a report on the results
4 of the study conducted in accordance with sub-
5 paragraph (A).

6 (j) DEFINITIONS.—In this section:

7 (1) COVERED ENTITY.—The term “covered en-
8 tity” means a small business or a consortium formed
9 in accordance with subsection (d)(3).

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

14 (k) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—There is authorized to be
16 appropriated to carry out this section, \$50,000,000
17 for the period of fiscal years 2006 through 2010.

18 (2) EVALUATIONS AND ADMINISTRATION.—

19 With respect to the total amount appropriated for
20 such period in accordance with this subsection, not
21 more than \$2,500,000 of that amount may be used
22 for expenditures related to conducting evaluations
23 required under, and the administration of, this sec-
24 tion.

1 ~~(H) TERMINATION OF PROGRAM.—The program es-~~
 2 ~~tablished under subsection (a) shall terminate on Sep-~~
 3 ~~tember 30, 2010.~~

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

5 (a) *SHORT TITLE.—This Act may be cited as the*
 6 *“Caring for Children Act of 2005”.*

7 (b) *TABLE OF CONTENTS.—The table of contents for*
 8 *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. Allocation of funds for Indian tribes, quality improvement, and a hot-
line.

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.

1 **TITLE I—CHILD CARE AND DE-**
 2 **VELOPMENT BLOCK GRANT**
 3 **ACT OF 1990**

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

5 (a) *HEADING.*—Section 658A of the Child Care and
 6 Development Block Grant Act of 1990 (42 U.S.C. 9801 note)
 7 is amended by striking the section heading and inserting
 8 the following:

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

10 (b) *GOALS.*—Section 658A(b) of the Child Care and
 11 Development Block Grant Act of 1990 (42 U.S.C. 9801 note)
 12 is amended—

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

15 (2) in paragraph (4), by striking “parents” and
 16 all that follows and inserting “low-income working
 17 parents;”;

18 (3) by redesignating paragraph (5) as para-
 19 graph (8); and

20 (4) by inserting after paragraph (4) the fol-
 21 lowing:

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

24 “(6) to promote school preparedness by encour-
 25 aging children, families, and caregivers to engage in

1 *developmentally appropriate and age-appropriate ac-*
2 *tivities in child care settings that will—*

3 “(A) *improve the children’s social, emo-*
4 *tional, and behavioral skills; and*

5 “(B) *foster the children’s early cognitive,*
6 *pre-reading, and language development, and*
7 *prenumeracy and mathematics skills;*

8 “(7) *to promote parental and family involvement*
9 *in the education of young children in child care set-*
10 *tings; and”.*

11 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

12 *Section 658B of the Child Care and Development Block*
13 *Grant Act of 1990 (42 U.S.C. 9858) is amended by striking*
14 *“subchapter” and all that follows and inserting “subchapter*
15 *\$2,300,000,000 for fiscal year 2006, \$2,500,000,000 for fis-*
16 *cal year 2007, \$2,700,000,000 for fiscal year 2008,*
17 *\$2,900,000,000 for fiscal year 2009, and \$3,100,000,000 for*
18 *fiscal year 2010.”.*

19 **SEC. 103. LEAD AGENCY.**

20 *Section 658D(a) of the Child Care and Development*
21 *Block Grant Act of 1990 (42 U.S.C. 9858b(a)) is amended*
22 *by striking “designate” and all that follows and inserting*
23 *“designate an agency (which may be an appropriate col-*
24 *laborative agency), or establish a joint interagency office,*
25 *that complies with the requirements of subsection (b) to*

1 *serve as the lead agency for the State under this sub-*
 2 *chapter.”.*

3 **SEC. 104. STATE PLAN.**

4 (a) *LEAD AGENCY.*—Section 658E(c)(1) of the Child
 5 *Care and Development Block Grant Act of 1990 (42 U.S.C.*
 6 *9858c(c)(1)) is amended by striking “designated” and in-*
 7 *serting “designated or established”.*

8 (b) *POLICIES AND PROCEDURES.*—Section 658E(c)(2)
 9 *of the Child Care and Development Block Grant Act of 1990*
 10 *(42 U.S.C. 9858c(c)(2)) is amended—*

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

13 (2) *by striking subparagraph (D) and inserting*
 14 *the following:*

15 “(D) *CONSUMER AND CHILD CARE PRO-*
 16 *VIDER EDUCATION INFORMATION.*—*Certify that*
 17 *the State will—*

18 “(i) *collect and disseminate, through*
 19 *resource and referral services and other*
 20 *means as determined by the State, to par-*
 21 *ents of eligible children, child care pro-*
 22 *viders, and the general public, information*
 23 *regarding—*

24 “(I) *the promotion of informed*
 25 *child care choices, including informa-*

1 *tion about the quality and availability*
2 *of child care services;*

3 *“(II) research and best practices*
4 *concerning children’s development, in-*
5 *cluding early cognitive development;*

6 *“(III) the availability of assist-*
7 *ance to obtain child care services; and*

8 *“(IV) other programs for which*
9 *families that receive child care services*
10 *for which financial assistance is pro-*
11 *vided under this subchapter may be el-*
12 *igible, including the food stamp pro-*
13 *gram established under the Food*
14 *Stamp Act of 1977 (7 U.S.C. 2011 et*
15 *seq.), the special supplemental nutri-*
16 *tion program for women, infants, and*
17 *children established by section 17 of the*
18 *Child Nutrition Act of 1966 (42 U.S.C.*
19 *1786), the child and adult care food*
20 *program established under section 17*
21 *of the Richard B. Russell National*
22 *School Lunch Act (42 U.S.C. 1766),*
23 *and the medicaid and State children’s*
24 *health insurance programs under titles*
25 *XIX and XXI of the Social Security*

1 Act (42 U.S.C. 1396 et seq. and
2 1397aa et seq.); and

3 “(ii) report to the Secretary the man-
4 ner in which the consumer education infor-
5 mation described in clause (i) was provided
6 to parents and the number of parents to
7 whom such consumer education information
8 was provided, during the period of the pre-
9 vious State plan.”;

10 (3) by striking subparagraph (E) and inserting
11 the following:

12 “(E) COMPLIANCE WITH STATE AND TRIBAL
13 LICENSING REQUIREMENTS.—

14 “(i) IN GENERAL.—Certify that the
15 State (or the Indian tribe or tribal organi-
16 zation) involved has in effect licensing re-
17 quirements applicable to child care services
18 provided within the State (or area served by
19 the tribe or organization), and provide a de-
20 tailed description of such requirements and
21 of how such requirements are effectively en-
22 forced.

23 “(ii) CONSTRUCTION.—Nothing in
24 clause (i) shall be construed to require that

1 *licensing requirements be applied to specific*
 2 *types of providers of child care services.”;*

3 (4) *in subparagraph (F)—*

4 (A) *in the first sentence, by striking “within*
 5 *the State, under State or local law,” and insert-*
 6 *ing “within the State (or area served by the In-*
 7 *Indian tribe or tribal organization), under State or*
 8 *local law (or tribal law),”;* and

9 (B) *in the third sentence, by striking “State*
 10 *or local law” and inserting “State or local law*
 11 *(or tribal law)”;* and

12 (5) *by adding at the end the following:*

13 “(I) *PROTECTION FOR WORKING PAR-*
 14 *ENTS.—*

15 “(i) *REDETERMINATION PROCESS.—*
 16 *Describe the procedures and policies that*
 17 *are in place to ensure that working parents*
 18 *(especially parents in families receiving as-*
 19 *sistance under a State program funded*
 20 *under part A of title IV of the Social Secu-*
 21 *rity Act (42 U.S.C. 601 et seq.)) are not re-*
 22 *quired to unduly disrupt their employment*
 23 *in order to comply with the State’s require-*
 24 *ments for redetermination of eligibility for*
 25 *assistance under this subchapter.*

1 “(ii) *MINIMUM PERIOD.—Demonstrate*
2 *that each child that receives assistance*
3 *under this subchapter in the State will re-*
4 *ceive such assistance for not less than 6*
5 *months before the State redetermines the eli-*
6 *gibility of the child under this subchapter,*
7 *except as provided in clause (iii).*

8 “(iii) *PERIOD BEFORE TERMIN-*
9 *NATION.—At the option of the State, dem-*
10 *onstrate that the State will not terminate*
11 *assistance under this subchapter based on a*
12 *parent’s loss of work or cessation of attend-*
13 *ance at a job training or educational pro-*
14 *gram for which the family was receiving the*
15 *assistance, without continuing the assist-*
16 *ance for a reasonable period of time, of not*
17 *less than 1 month, after such loss or ces-*
18 *sation in order for the parent to engage in*
19 *a job search and resume work, or resume at-*
20 *tendance of a job training or educational*
21 *program, as soon as possible.*

22 “(J) *COORDINATION WITH OTHER PRO-*
23 *GRAMS.—Describe how the State, in order to ex-*
24 *pand accessibility and continuity of quality*
25 *early care and early education, will coordinate*

1 *the early childhood education activities assisted*
2 *under this subchapter with—*

3 “(i) *programs carried out under the*
4 *Head Start Act (42 U.S.C. 9831 et seq.), in-*
5 *cluding the Early Head Start programs*
6 *carried out under section 645A of that Act*
7 *(42 U.S.C. 9840a);*

8 “(ii)(I) *Early Reading First and Even*
9 *Start programs carried out under subparts*
10 *2 and 3 of part B of title I of the Elemen-*
11 *tary and Secondary Education Act of 1965*
12 *(20 U.S.C. 6371 et seq., 6381 et seq.);*

13 “(II) *other preschool programs carried*
14 *out under title I of that Act (20 U.S.C.*
15 *6301 et seq.); and*

16 “(III) *the Ready-to-Learn Television*
17 *program carried out under subpart 3 of*
18 *part D of title II of that Act (20 U.S.C.*
19 *6775 et seq.);*

20 “(iii) *programs carried out under sec-*
21 *tion 619 and part C of the Individuals with*
22 *Disabilities Education Act (20 U.S.C. 1419*
23 *and 1431 et seq.);*

24 “(iv) *State prekindergarten programs;*
25 *and*

1 “(v) *other early childhood education*
2 *programs.*

3 “(K) *TRAINING IN EARLY LEARNING AND*
4 *CHILDHOOD DEVELOPMENT.—Describe any*
5 *training requirements that are in effect within*
6 *the State that are designed to enable child care*
7 *providers to promote the social, emotional, phys-*
8 *ical, and cognitive development of children and*
9 *that are applicable to child care providers that*
10 *provide services for which assistance is made*
11 *available under this subchapter in the State.*

12 “(L) *PUBLIC-PRIVATE PARTNERSHIPS.—*
13 *Demonstrate how the State is encouraging part-*
14 *nerships among State agencies, other public*
15 *agencies, and private entities, to leverage exist-*
16 *ing service delivery systems (as of the date of*
17 *submission of the State plan) for early childhood*
18 *education and to increase the supply and quality*
19 *of child care services for children who are less*
20 *than 13 years of age.*

21 “(M) *ACCESS TO CARE FOR CERTAIN POPU-*
22 *LATIONS.—Demonstrate how the State is ad-*
23 *ressing the child care needs of parents eligible*
24 *for child care services for which assistance is*
25 *provided under this subchapter, who have chil-*

1 *dren with special needs, work nontraditional*
 2 *hours, or require child care services for infants*
 3 *and toddlers.*

4 “(N) *COORDINATION WITH TITLE IV OF THE*
 5 *SOCIAL SECURITY ACT.—Describe how the State*
 6 *will inform parents receiving assistance under a*
 7 *State program funded under part A of title IV*
 8 *of the Social Security Act (42 U.S.C. 601 et seq.)*
 9 *and low-income parents about eligibility for as-*
 10 *sistance under this subchapter.”.*

11 (c) *USE OF BLOCK GRANT FUNDS.—Section*
 12 *658E(c)(3) of the Child Care and Development Block Grant*
 13 *Act of 1990 (42 U.S.C. 9858c(c)(3)) is amended—*

14 (1) *in subparagraph (A), by striking “as re-*
 15 *quired under” and inserting “in accordance with”;*
 16 *and*

17 (2) *in subparagraph (B)—*

18 (A) *by striking “The State” and inserting*
 19 *the following:*

20 “(i) *IN GENERAL.—The State”;*

21 (B) *in clause (i) (as designated in subpara-*
 22 *graph (A)), by striking “appropriate to realize*
 23 *any of the goals specified in paragraphs (2)*
 24 *through (5) of section 658A(b)” and inserting*
 25 *“appropriate (which may include an activity de-*

1 *scribed in clause (ii)) to realize any of the goals*
2 *specified in paragraphs (2) through (8) of section*
3 *658A(b)”; and*

4 *(C) by adding at the end the following:*

5 *“(i) CHILD CARE RESOURCE AND RE-*
6 *FERRAL SYSTEM.—A State may use*
7 *amounts described in clause (i) to establish*
8 *or support a system of local child care re-*
9 *source and referral organizations coordi-*
10 *nated, to the extent determined appropriate*
11 *by the State, by a statewide private, non-*
12 *profit, community-based lead child care re-*
13 *source and referral organization. The local*
14 *child care resource and referral organiza-*
15 *tions shall—*

16 *“(I) provide parents in the State*
17 *with information, and consumer edu-*
18 *cation, concerning the full range of*
19 *child care options, including child care*
20 *provided during nontraditional hours*
21 *and through emergency child care cen-*
22 *ters, in their communities;*

23 *“(II) collect and analyze data on*
24 *the supply of and demand for child*

1 *care in political subdivisions within*
 2 *the State;*

3 “*(III) submit reports to the State*
 4 *containing data and analysis described*
 5 *in subclause (II); and*

6 “*(IV) work to establish partner-*
 7 *ships with public agencies and private*
 8 *entities to increase the supply and*
 9 *quality of child care services.*”.

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

13 *(1) in subparagraph (A), by striking “(D)” and*
 14 *inserting “(E)”;* and

15 *(2) by adding at the end the following:*

16 “*(E) DIRECT SERVICES.—From amounts*
 17 *provided to a State for a fiscal year to carry out*
 18 *this subchapter, the State shall—*

19 “*(i) reserve the minimum amount re-*
 20 “*quired to be reserved under section 658G,*
 21 “*and the funds for costs described in sub-*
 22 “*paragraph (C); and*

23 “*(ii) from the remainder, use not less*
 24 “*than 70 percent to fund direct services (as*
 25 “*defined by the State).*”.

1 (e) *PAYMENT RATES.*—Section 658E(c)(4) of the Child
2 *Care and Development Block Grant Act of 1990 (42 U.S.C.*
3 *9858c(c)(4)) is amended—*

4 (1) *in subparagraph (A), by striking “The State*
5 *plan” and all that follows and inserting the following:*

6 “(i) *SURVEY.*—*The State plan shall—*

7 “(I) *demonstrate that the State*
8 *has, after consulting with local area*
9 *child care program administrators, de-*
10 *veloped and conducted a statistically*
11 *valid and reliable survey of the market*
12 *rates for child care services in the*
13 *State (that reflects variations in the*
14 *cost of child care services by geographic*
15 *area, type of provider, and age of*
16 *child) within the 2 years preceding the*
17 *date of the submission of the applica-*
18 *tion containing the State plan;*

19 “(II) *detail the results of the State*
20 *market rates survey conducted pursu-*
21 *ant to subclause (I);*

22 “(III) *describe how the State will*
23 *provide for timely payment for child*
24 *care services, and set payment rates for*
25 *child care services, for which assistance*

1 *is provided under this subchapter in*
2 *accordance with the results of the mar-*
3 *ket rates survey conducted pursuant to*
4 *subclause (I) without reducing the*
5 *number of families in the State receiv-*
6 *ing such assistance under this sub-*
7 *chapter, relative to the number of such*
8 *families on the date of introduction of*
9 *the Caring for Children Act of 2005;*
10 *and*

11 *“(IV) describe how the State will,*
12 *not later than 30 days after the com-*
13 *pletion of the survey described in sub-*
14 *clause (I), make the results of the sur-*
15 *vey widely available through public*
16 *means, including posting the results on*
17 *the Internet.*

18 *“(ii) EQUAL ACCESS.—The State plan*
19 *shall include a certification that the pay-*
20 *ment rates are sufficient to ensure equal ac-*
21 *cess for eligible children to child care serv-*
22 *ices comparable to child care services in the*
23 *State or substate area that are provided to*
24 *children whose parents are not eligible to*

1 *receive child care assistance under any Fed-*
2 *eral or State program.”; and*

3 (2) *in subparagraph (B)—*

4 (A) *by striking “Nothing” and inserting the*
5 *following:*

6 “(i) *NO PRIVATE RIGHT OF ACTION.—*
7 *Nothing*”; and

8 (B) *by adding at the end the following:*

9 “(ii) *NO PROHIBITION OF CERTAIN*
10 *DIFFERENT RATES.—Nothing in this sub-*
11 *chapter shall be construed to prevent a*
12 *State from differentiating the payment*
13 *rates described in subparagraph (A) on the*
14 *basis of such factors as—*

15 “(I) *geographic location of child*
16 *care providers (such as location in an*
17 *urban or rural area);*

18 “(II) *the age or particular needs*
19 *of children (such as children with spe-*
20 *cial needs and children served by child*
21 *protective services);*

22 “(III) *whether the providers pro-*
23 *vide child care during weekend and*
24 *other nontraditional hours; or*

1 “(IV) the State’s determination
 2 that such differentiated payment rates
 3 are needed to enable a parent to choose
 4 child care that the parent believes to be
 5 of high quality.”.

6 **SEC. 105. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD**
 7 **CARE.**

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

11 **“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF**
 12 **CHILD CARE.**

13 “(a) *IN GENERAL.*—

14 “(1) *RESERVATION.*—Each State that receives
 15 funds to carry out this subchapter for a fiscal year
 16 shall reserve and use not less than 6 percent of the
 17 funds for activities provided directly, or through
 18 grants or contracts with resource and referral organi-
 19 zations or other appropriate entities, that are de-
 20 signed to improve the quality of child care services.

21 “(2) *ACTIVITIES.*—The funds reserved under
 22 paragraph (1) may only be used to—

23 “(A) develop and implement voluntary
 24 guidelines on pre-reading and language skills
 25 and activities, and prenumeracy and mathe-

1 *matics skills and activities, for child care pro-*
2 *grams in the State, that are aligned with State*
3 *standards for kindergarten through grade 12 or*
4 *the State’s general goals for school preparedness;*

5 *“(B) support activities and provide tech-*
6 *nical assistance in Federal, State, and local*
7 *child care settings to enhance early learning for*
8 *preschool and school-aged children, to promote*
9 *literacy, to foster school preparedness, and to*
10 *support later school success;*

11 *“(C) offer training, professional develop-*
12 *ment, and educational opportunities for child*
13 *care providers that relate to the use of develop-*
14 *mentally appropriate and age-appropriate cur-*
15 *ricula, and early childhood teaching strategies,*
16 *that are scientifically based and aligned with the*
17 *social, emotional, physical, and cognitive devel-*
18 *opment of children, including—*

19 *“(i) developing and operating distance*
20 *learning child care training infrastructures;*

21 *“(ii) developing model technology-based*
22 *training courses;*

23 *“(iii) offering training for caregivers*
24 *in informal child care settings; and*

1 “(iv) offering training for child care
2 providers who care for infants and toddlers
3 and children with special needs;

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

11 “(E) evaluate and assess the quality and ef-
12 fectiveness of child care programs and services
13 offered in the State to young children on improv-
14 ing overall school preparedness; and

15 “(F) carry out other activities determined
16 by the State to improve the quality of child care
17 services provided in the State and for which
18 measurement of outcomes relating to improved
19 child safety, child well-being, or school prepared-
20 ness is possible.

21 “(b) CERTIFICATION.—Beginning with fiscal year
22 2006, the State shall annually submit to the Secretary a
23 certification in which the State certifies that the State was
24 in compliance with subsection (a) during the preceding fis-
25 cal year and describes how the State used funds made avail-

1 *able to carry out this subchapter to comply with subsection*
2 *(a) during that preceding fiscal year.*

3 “(c) *STRATEGY.*—*The State shall annually submit to*
4 *the Secretary—*

5 “(1) *beginning with fiscal year 2006, an outline*
6 *of the strategy the State will implement during that*
7 *fiscal year to address the quality of child care services*
8 *for which financial assistance is made available*
9 *under this subchapter, including—*

10 “(A) *a statement specifying how the State*
11 *will provide for the activities carried out under*
12 *subsection (a);*

13 “(B) *a description of quantifiable, objective*
14 *measures that the State will use to evaluate the*
15 *State’s progress in improving the quality of the*
16 *child care services (including measures regarding*
17 *the impact, if any, of State efforts to improve the*
18 *quality by increasing payment rates, as defined*
19 *in section 658H(c)), evaluating separately the*
20 *impact of the activities listed in each of the sub-*
21 *paragraphs of subsection (a)(2) on the quality of*
22 *the child care services; and*

23 “(C) *a list of State-developed child care*
24 *services quality targets quantified for such fiscal*
25 *year for such measures; and*

1 “(2) beginning with fiscal year 2007, a report on
2 the State’s progress in achieving such targets for the
3 preceding fiscal year.

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

7 “(1) the State shall submit an improvement plan
8 that describes the measures the State will take to
9 make that progress; and

10 “(2) the State shall comply with the improve-
11 ment plan by a date specified by the Secretary but
12 not later than 1 year after the date of the determina-
13 tion.

14 “(e) *CONSTRUCTION.*—Nothing in this subchapter shall
15 be construed to require that the State apply measures for
16 evaluating quality of child care services to specific types
17 of child care providers.”.

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

19 *The Child Care and Development Block Grant Act of*
20 *1990 is amended by inserting after section 658G (42 U.S.C.*
21 *9858e) the following:*

22 **“SEC. 658H. OPTIONAL PRIORITY USE OF ADDITIONAL**
23 **FUNDS.**

24 “(a) *IN GENERAL.*—If a State receives funds to carry
25 out this subchapter for a fiscal year, and the amount of

1 *the funds exceeds the amount of funds the State received*
 2 *to carry out this subchapter for fiscal year 2005, the State*
 3 *shall consider using a portion of the excess—*

4 “(1) *to support payment rate increases in ac-*
 5 *cordance with the market rates survey conducted pur-*
 6 *suant to section 658E(c)(4);*

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

9 “(3) *to support payment rate increases for care*
 10 *for children in communities served by local edu-*
 11 *cational agencies that have been identified for im-*
 12 *provement under section 1116(c)(3) of the Elementary*
 13 *and Secondary Education Act of 1965 (20 U.S.C.*
 14 *6316(c)(3)).*

15 “(b) **NO REQUIREMENT TO REDUCE CHILD CARE**
 16 **SERVICES.**—*Nothing in this section shall be construed to*
 17 *require a State to take an action that the State determines*
 18 *would result in a reduction of child care services to families*
 19 *of eligible children.*

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

23 **SEC. 107. REPORTING REQUIREMENTS.**

24 (a) **HEADING.**—*Section 658K of the Child Care and*
 25 *Development Block Grant Act of 1990 (42 U.S.C. 9858i)*

1 *is amended by striking the section heading and inserting*
 2 *the following:*

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

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

7 *“(a) REPORTS.—*

8 *“(1) IN GENERAL.—A State that receives funds*
 9 *to carry out this subchapter shall collect the informa-*
 10 *tion described in paragraph (2) on a monthly basis.*

11 *“(2) REQUIRED INFORMATION.—The information*
 12 *required under this paragraph shall include, with re-*
 13 *spect to a family unit receiving assistance under this*
 14 *subchapter, information concerning—*

15 *“(A) family income;*

16 *“(B) county of residence;*

17 *“(C) the gender, race, and age of children*
 18 *receiving such assistance;*

19 *“(D) whether the head of the family unit is*
 20 *a single parent;*

21 *“(E) the sources of family income, includ-*
 22 *ing—*

23 *“(i) employment, including self-em-*
 24 *ployment; and*

1 “(ii) assistance under a State program
2 funded under part A of title IV of the Social
3 Security Act (42 U.S.C. 601 et seq.) and a
4 State program for which State spending is
5 counted toward the maintenance of effort re-
6 quirement under section 409(a)(7) of the
7 Social Security Act (42 U.S.C. 609(a)(7));

8 “(F) the type of child care in which the
9 child was enrolled (such as family child care,
10 home care, center-based child care, or other types
11 of child care described in section 658T(5));

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

14 “(H) the cost of child care for such family,
15 separately stating the amount of the subsidy
16 payment of the State and the amount of the co-
17 payment of the family toward such cost;

18 “(I) the average hours per month of such
19 care;

20 “(J) household size;

21 “(K) whether the parent involved reports
22 that the child has an individualized education
23 program or an individualized family service
24 plan, as such terms are defined in section 602 of

1 *the Individuals with Disabilities Education Act*
2 *(20 U.S.C. 1401); and*

3 “(L) *the reason for any termination of ben-*
4 *efits under this subchapter, including whether*
5 *the termination was due to—*

6 “(i) *the child’s age exceeding the allow-*
7 *able limit;*

8 “(ii) *the family income exceeding the*
9 *State eligibility limit;*

10 “(iii) *the State recertification or ad-*
11 *ministrative requirements not being met;*

12 “(iv) *parent work, training, or edu-*
13 *cation status no longer meeting State re-*
14 *quirements;*

15 “(v) *a nonincome related change in*
16 *status; or*

17 “(vi) *other reasons;*

18 *during the period for which such information is re-*
19 *quired to be submitted.*

20 “(3) *SUBMISSION TO SECRETARY.—A State de-*
21 *scribed in paragraph (1) shall, on a quarterly basis,*
22 *submit to the Secretary the information required to be*
23 *collected under paragraph (2) and the number of chil-*
24 *dren and families receiving assistance under this sub-*
25 *chapter (stated on a monthly basis). Information on*

1 *the number of families receiving the assistance shall*
2 *also be posted on the website of such State. In the*
3 *fourth quarterly report of each year, a State described*
4 *in paragraph (1) shall also submit to the Secretary*
5 *information on the annual number and type of child*
6 *care providers (as described in section 658T(5)) that*
7 *received funding under this subchapter and the an-*
8 *ual number of payments made by the State through*
9 *vouchers, under contracts, or by payment to parents*
10 *reported by type of child care provider.*

11 *“(4) USE OF SAMPLES.—*

12 *“(A) AUTHORITY.—A State may comply*
13 *with the requirement to collect the information*
14 *described in paragraph (2) through the use of*
15 *disaggregated case record information on a sam-*
16 *ple of families selected through the use of scientif-*
17 *ically acceptable sampling methods approved by*
18 *the Secretary.*

19 *“(B) SAMPLING AND OTHER METHODS.—*

20 *The Secretary shall provide the States with such*
21 *case sampling plans and data collection proce-*
22 *dures as the Secretary determines necessary to*
23 *produce statistically valid samples of the infor-*
24 *mation described in paragraph (2). The Sec-*
25 *retary may develop and implement procedures*

1 *for verifying the quality of data submitted by the*
2 *States.”.*

3 (c) *PERIOD OF COMPLIANCE AND WAIVERS.—*

4 (1) *IN GENERAL.—States shall have 2 years from*
5 *the date of enactment of this Act to comply with the*
6 *changes to data collection and reporting required by*
7 *the amendments made by this section.*

8 (2) *WAIVERS.—The Secretary of Health and*
9 *Human Services may grant a waiver from paragraph*
10 *(1) to States with plans to procure data systems.*

11 **SEC. 108. NATIONAL ACTIVITIES.**

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

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

16 “(a) *REPORT.—*

17 “(1) *IN GENERAL.—The Secretary shall, not*
18 *later than April 30, 2006, and annually thereafter,*
19 *prepare and submit to the Committee on Education*
20 *and the Workforce of the House of Representatives*
21 *and the Committee on Health, Education, Labor, and*
22 *Pensions of the Senate, and, not later than 30 days*
23 *after the date of such submission, post on the Depart-*
24 *ment of Health and Human Services website, a report*
25 *that contains the following:*

1 “(A) *A summary and analysis of the data*
2 *and information provided to the Secretary in the*
3 *State reports submitted under sections 658E,*
4 *658G(c), and 658K.*

5 “(B) *Aggregated statistics on and an anal-*
6 *ysis of the supply of, demand for, and quality of*
7 *child care, early education, and nonschool-hour*
8 *programs.*

9 “(C) *An assessment and, where appropriate,*
10 *recommendations for Congress concerning efforts*
11 *that should be undertaken to improve the access*
12 *of the public to quality and affordable child care*
13 *in the United States.*

14 “(D) *A progress report describing the*
15 *progress of the States in streamlining data re-*
16 *porting, the Secretary’s plans and activities to*
17 *provide technical assistance to States, and an ex-*
18 *planation of any barriers to getting data in an*
19 *accurate and timely manner.*

20 “(2) *COLLECTION OF INFORMATION.—The Sec-*
21 *retary may make arrangements with resource and re-*
22 *ferred organizations, to utilize the child care data sys-*
23 *tem of the resource and referral organizations at the*
24 *national, State, and local levels, to collect the infor-*
25 *mation required by paragraph (1)(B).*

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

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

7 “(2) *ALLOTMENTS.*—*From funds reserved under*
8 *section 6580(a)(3) for a fiscal year, the Secretary*
9 *shall allot to each State an amount that bears the*
10 *same relationship to such funds as the amount the*
11 *State receives for the fiscal year under section 6580*
12 *bears to the amount all States receive for the fiscal*
13 *year under section 6580.*

14 “(c) *TOLL-FREE HOTLINE.*—*The Secretary shall*
15 *award a grant or contract, or enter into a cooperative*
16 *agreement, for the operation of a national toll-free hotline*
17 *to assist families in accessing local information on child*
18 *care options and providing consumer education materials,*
19 *subject to the availability of appropriations for this pur-*
20 *pose.*

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

1 **SEC. 109. ALLOCATION OF FUNDS FOR INDIAN TRIBES,**
2 **QUALITY IMPROVEMENT, AND A HOTLINE.**

3 (a) *IN GENERAL.*—Section 658O(a) of the Child Care
4 and Development Block Grant Act of 1990 (42 U.S.C.
5 9858m(a)) is amended—

6 (1) in paragraph (2), by striking “not less than
7 1 percent, and not more than 2 percent,” and insert-
8 ing “2 percent”; and

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

10 “(3) *GRANTS TO IMPROVE QUALITY AND AC-*
11 *CESS.*—The Secretary shall reserve an amount not to
12 exceed \$100,000,000 for each fiscal year to carry out
13 section 658L(b), subject to the availability of appro-
14 priations for this purpose.

15 “(4) *TOLL-FREE HOTLINE.*—The Secretary shall
16 reserve an amount not to exceed \$1,000,000 to carry
17 out section 658L(c), subject to the availability of ap-
18 propriations for this purpose.”

19 (b) *CONFORMING AMENDMENT.*—Section 658O(c)(1) of
20 the Child Care and Development Block Grant Act of 1990
21 (42 U.S.C. 9858m(c)(1)) is amended by inserting “(in ac-
22 cordance with the requirements of subparagraphs (E) and
23 (F) of section 658E(c)(2) for such tribes or organizations)”
24 after “applications under this section”.

1 **SEC. 110. DEFINITIONS.**

2 (a) *ELIGIBLE CHILD.*—Section 658P(4) of the Child
3 Care and Development Block Grant Act of 1990 (42 U.S.C.
4 9858n(4)) is amended—

5 (1) in subparagraph (B), by striking “85 percent
6 of the State median income for a family of the same
7 size” and inserting “an income level determined by
8 the State involved, with priority based on need as de-
9 fined by the State”; and

10 (2) in subparagraph (C)—

11 (A) in clause (i), by striking “a parent or
12 parents” and inserting “a parent (including a
13 legal guardian or foster parent) or parents”; and

14 (B) by striking clause (ii) and inserting the
15 following:

16 “(ii)(I) is receiving, or needs to receive,
17 protective services (which may include foster
18 care) or is a child with significant cognitive
19 or physical disabilities as defined by the
20 State; and

21 “(II) resides with a parent (including
22 a legal guardian or foster parent) or par-
23 ents not described in clause (i).”.

24 (b) *CHILD WITH SPECIAL NEEDS.*—Section 658P of
25 the Child Care and Development Block Grant Act of 1990

1 *(42 U.S.C. 9858n) is amended by inserting after paragraph*
2 *(2) the following:*

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

5 “(A) *a child with a disability, as defined in*
6 *section 602 of the Individuals with Disabilities*
7 *Education Act (20 U.S.C. 1401);*

8 “(B) *a child who is eligible for early inter-*
9 *vention services under part C of the Individuals*
10 *with Disabilities Education Act (20 U.S.C. 1431*
11 *et seq.); and*

12 “(C) *a child with special needs, as defined*
13 *by the State involved.”.*

14 “(c) *LEAD AGENCY.*—*Section 658P(8) of the Child Care*
15 *and Development Block Grant Act of 1990 (42 U.S.C.*
16 *9858n(8)) is amended by striking “section 658B(a)” and*
17 *inserting “section 658D(a)”.*

18 “(d) *PARENT.*—*Section 658P(9) of the Child Care and*
19 *Development Block Grant Act of 1990 (42 U.S.C. 9858n(9))*
20 *is amended by inserting “, foster parent,” after “guardian”.*

21 “(e) *NATIVE HAWAIIAN ORGANIZATION.*—*Section*
22 *658P(14)(B) of the Child Care and Development Block*
23 *Grant Act of 1990 (42 U.S.C. 9858n(14)(B)) is amended*
24 *by striking “Native Hawaiian Organization, as defined in*
25 *section 4009(4) of the Augustus F. Hawkins-Robert T. Staf-*

1 *ford Elementary and Secondary School Improvement*
 2 *Amendments of 1988 (20 U.S.C. 4909(4))” and inserting*
 3 *“Native Hawaiian organization, as defined in section 7207*
 4 *of the Elementary and Secondary Education Act of 1965*
 5 *(20 U.S.C. 7517)”.*

6 (f) *REDESIGNATION.—The Child Care and Develop-*
 7 *ment Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is*
 8 *amended—*

9 (1) *by redesignating section 658P as section*
 10 *658T; and*

11 (2) *by moving that section 658T to the end of the*
 12 *Act.*

13 **SEC. 111. RULES OF CONSTRUCTION.**

14 *The Child Care and Development Block Grant Act of*
 15 *1990 (as amended by section 110(f)) is further amended by*
 16 *inserting after section 658O (42 U.S.C. 9858m) the fol-*
 17 *lowing:*

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

19 *“Nothing in this subchapter shall be construed to re-*
 20 *quire a State to impose State child care licensing require-*
 21 *ments on any type of early childhood provider, including*
 22 *any such provider who is exempt from State child care li-*
 23 *censing requirements on the date of enactment of the Caring*
 24 *for Children Act of 2005.”.*

1 **TITLE II—ENHANCING SECURITY**
2 **AT CHILD CARE CENTERS IN**
3 **FEDERAL FACILITIES**

4 **SEC. 201. DEFINITIONS.**

5 *In this title:*

6 (1) *ADMINISTRATOR.*—*The term “Adminis-*
7 *trator” means the Administrator of General Services.*

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

17 (3) *ENTITY SPONSORING A CHILD CARE FACIL-*
18 *ITY.*—*The term “entity sponsoring”, used with respect*
19 *to a child care facility, means a Federal agency that*
20 *operates, or an entity that enters into a contract or*
21 *licensing agreement with a Federal agency to operate,*
22 *a child care facility primarily for the use of Federal*
23 *employees.*

24 (4) *EXECUTIVE AGENCY.*—*The term “Executive*
25 *agency” has the meaning given the term in section*

1 *105 of title 5, United States Code, except that the*
2 *term—*

3 *(A) does not include the Department of De-*
4 *fense and the Coast Guard; and*

5 *(B) includes the General Services Adminis-*
6 *tration, with respect to the administration of a*
7 *facility described in paragraph (5)(B).*

8 (5) *EXECUTIVE FACILITY.—The term “executive*
9 *facility”—*

10 *(A) means a facility that is owned or leased*
11 *by an Executive agency; and*

12 *(B) includes a facility that is owned or*
13 *leased by the General Services Administration on*
14 *behalf of a judicial office.*

15 (6) *FEDERAL AGENCY.—The term “Federal agen-*
16 *cy” means an Executive agency, a legislative office, or*
17 *a judicial office.*

18 (7) *JUDICIAL FACILITY.—The term “judicial fa-*
19 *cility” means a facility that is owned or leased by a*
20 *judicial office (other than a facility that is also a fa-*
21 *cility described in paragraph (5)(B)).*

22 (8) *JUDICIAL OFFICE.—The term “judicial of-*
23 *fice” means an entity of the judicial branch of the*
24 *Federal Government.*

1 (9) *LEGISLATIVE FACILITY.*—*The term “legisla-*
2 *tive facility” means a facility that is owned or leased*
3 *by a legislative office.*

4 (10) *LEGISLATIVE OFFICE.*—*The term “legisla-*
5 *tive office” means an entity of the legislative branch*
6 *of the Federal Government.*

7 **SEC. 202. ENHANCING SECURITY.**

8 (a) *COVERAGE.*—

9 (1) *EXECUTIVE BRANCH.*—*The Administrator*
10 *shall issue the regulations described in subsection (b)*
11 *for child care facilities, and entities sponsoring child*
12 *care facilities, in executive facilities.*

13 (2) *LEGISLATIVE BRANCH.*—*The Chief Adminis-*
14 *trative Officer of the House of Representatives, the Li-*
15 *brarian of Congress, and the head of a designated en-*
16 *tity in the Senate shall issue the regulations described*
17 *in subsection (b) for corresponding child care facili-*
18 *ties, and entities sponsoring the corresponding child*
19 *care facilities, in legislative facilities.*

20 (3) *JUDICIAL BRANCH.*—*The Director of the Ad-*
21 *ministrative Office of the United States Courts shall*
22 *issue the regulations described in subsection (b) for*
23 *child care facilities, and entities sponsoring child care*
24 *facilities, in judicial facilities.*

1 (b) *REGULATIONS.*—*The officers and designated entity*
2 *described in subsection (a) shall issue regulations that con-*
3 *cern—*

4 (1) *matters relating to an occupant emergency*
5 *plan and evacuations, such as—*

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

9 (B) *establishing a separate section in an oc-*
10 *cupant emergency plan for each such facility;*

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

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

21 (E) *providing specific, clear, and concise*
22 *evacuation instructions for a facility, including*
23 *instructions specifying who authorizes an evacu-*
24 *ation;*

1 (F) providing for good evacuation equip-
2 ment, especially cribs; and

3 (G) promoting the ability to evacuate with-
4 out outside assistance; and

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

6 (A) promoting an informed parent body
7 that is knowledgeable about evacuation proce-
8 dures and relocation sites;

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

13 (C) establishing remote telephone contact for
14 parents, to and from areas that are not less than
15 10 miles from such a facility; and

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

19 (i) a site that would be an unreason-
20 able distance from the facility under normal
21 circumstances; and

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

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

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

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

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

18 (c) *AMOUNT AND PERIOD OF GRANT.*—The Secretary
19 shall determine the amount of a grant to a State under
20 this section based on the population of the State as com-
21 pared to the population of all States receiving grants under
22 this section. The Secretary shall make the grant for a period
23 of 3 years.

24 (d) *USE OF FUNDS.*—

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

8 (A) *technical assistance in the establishment*
9 *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 sick*
17 *children or to provide care to school-aged chil-*
18 *dren;*

19 (F) *the entering into of contracts with local*
20 *resource and referral organizations or local*
21 *health departments;*

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

24 (H) *payment of expenses for renovation or*
25 *operation of a child care facility; or*

1 (I) assistance for any other activity deter-
2 mined appropriate by the State.

3 (2) *APPLICATION.*—In order for a small business
4 or consortium to be eligible to receive assistance from
5 a State under this section, the small business involved
6 shall prepare and submit to the State an application
7 at such time, in such manner, and containing such
8 information as the State may require.

9 (3) *PREFERENCE.*—

10 (A) *IN GENERAL.*—In providing assistance
11 under this section, a State shall give priority to
12 an applicant that desires to form a consortium
13 to provide child care in a geographic area within
14 the State where such care is not generally avail-
15 able or accessible.

16 (B) *CONSORTIUM.*—For purposes of sub-
17 paragraph (A), a consortium shall be made up
18 of 2 or more entities that shall include small
19 businesses and that may include large businesses,
20 nonprofit agencies or organizations, local govern-
21 ments, or other appropriate entities.

22 (4) *LIMITATIONS.*—With respect to grant funds
23 received under this section, a State may not provide
24 in excess of \$500,000 in assistance from such funds
25 to any single applicant.

1 (e) *MATCHING REQUIREMENT.*—To be eligible to re-
2 ceive a grant under this section, a State shall provide assur-
3 ances to the Secretary that, with respect to the costs to be
4 incurred by a covered entity receiving assistance in car-
5 rying out activities under this section, the covered entity
6 will make available (directly or through donations from
7 public or private entities) non-Federal contributions to such
8 costs in an amount equal to—

9 (1) for the first fiscal year in which the covered
10 entity receives such assistance, not less than 50 per-
11 cent of such costs (\$1 for each \$1 of assistance pro-
12 vided to the covered entity under the grant);

13 (2) for the second fiscal year in which the cov-
14 ered entity receives such assistance, not less than $66\frac{2}{3}$
15 percent of such costs (\$2 for each \$1 of assistance pro-
16 vided to the covered entity under the grant); and

17 (3) for the third fiscal year in which the covered
18 entity receives such assistance, not less than 75 per-
19 cent of such costs (\$3 for each \$1 of assistance pro-
20 vided to the covered entity under the grant).

21 (f) *REQUIREMENTS OF PROVIDERS.*—To be eligible to
22 receive assistance under a grant awarded under this section,
23 a child care provider—

24 (1) who receives assistance from a State shall
25 comply with all applicable State and local licensing

1 *and regulatory requirements and all applicable health*
2 *and safety standards in effect in the State; and*

3 (2) *who receives assistance from an Indian tribe*
4 *or tribal organization shall comply with all applica-*
5 *ble regulatory standards.*

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

10 (h) *ADMINISTRATION.*—

11 (1) *STATE RESPONSIBILITY.*—*A State shall have*
12 *responsibility for administering a grant awarded for*
13 *the State under this section and for monitoring cov-*
14 *ered entities that receive assistance under such grant.*

15 (2) *AUDITS.*—*A State shall require each covered*
16 *entity receiving assistance under the grant awarded*
17 *under this section to conduct an annual audit with*
18 *respect to the activities of the covered entity. Such au-*
19 *dits shall be submitted to the State.*

20 (3) *MISUSE OF FUNDS.*—

21 (A) *REPAYMENT.*—*If the State determines,*
22 *through an audit or otherwise, that a covered en-*
23 *tity receiving assistance under a grant awarded*
24 *under this section has misused the assistance, the*
25 *State shall notify the Secretary of the misuse.*

1 *The Secretary, upon such a notification, may*
2 *seek from such a covered entity the repayment of*
3 *an amount equal to the amount of any such mis-*
4 *used assistance plus interest.*

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

9 *(i) REPORTING REQUIREMENTS.—*

10 *(1) 2-YEAR STUDY.—*

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

15 *(i) the capacity of covered entities to*
16 *meet the child care needs of communities*
17 *within States;*

18 *(ii) the kinds of consortia that are*
19 *being formed with respect to child care at*
20 *the local level to carry out programs funded*
21 *under this section; and*

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

1 (B) *REPORT.*—Not later than 28 months
2 after the date on which the Secretary first
3 awards grants under this section, the Secretary
4 shall prepare and submit to the appropriate
5 committees of Congress a report on the results of
6 the study conducted in accordance with subpara-
7 graph (A).

8 (2) *4-YEAR STUDY.*—

9 (A) *IN GENERAL.*—Not later than 4 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 the number of
13 child care facilities that are funded through cov-
14 ered entities that received assistance through a
15 grant awarded under this section and that re-
16 main in operation, and the extent to which such
17 facilities are meeting the child care needs of the
18 individuals served by such facilities.

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

1 (j) *DEFINITIONS.—In this section:*

2 (1) *COVERED ENTITY.—The term “covered enti-*
3 *ty” means a small business or a consortium formed*
4 *in accordance with subsection (d)(3).*

5 (2) *INDIAN COMMUNITY.—The term “Indian*
6 *community” means a community served by an In-*
7 *dian tribe or tribal organization.*

8 (3) *INDIAN TRIBE; TRIBAL ORGANIZATION.—The*
9 *terms “Indian tribe” and “tribal organization” have*
10 *the meanings given the terms in section 658T of the*
11 *Child Care and Development Block Grant Act of*
12 *1990.*

13 (4) *SMALL BUSINESS.—The term “small busi-*
14 *ness” means an employer who employed an average*
15 *of at least 2 but not more than 50 employees on the*
16 *business days during the preceding calendar year.*

17 (5) *STATE.—The term “State” has the meaning*
18 *given the term in section 658T of the Child Care and*
19 *Development Block Grant Act of 1990.*

20 (k) *APPLICATION TO INDIAN TRIBES AND TRIBAL OR-*
21 *GANIZATIONS.—In this section:*

22 (1) *IN GENERAL.—Except as provided in sub-*
23 *section (f)(1), and in paragraphs (2) and (3), the*
24 *term “State” includes an Indian tribe or tribal orga-*
25 *nization.*

1 (2) *GEOGRAPHIC REFERENCES.*—*The term*
2 *“State” includes an Indian community in subsections*
3 *(c) (the second and third place the term appears),*
4 *(d)(1) (the second place the term appears), (d)(3)(A)*
5 *(the second place the term appears), and (i)(1)(A)(i).*

6 (3) *STATE-LEVEL ACTIVITIES.*—*The term “State-*
7 *level activities” includes activities at the tribal level.*

8 (1) *AUTHORIZATION OF APPROPRIATIONS.*—

9 (1) *IN GENERAL.*—*There is authorized to be ap-*
10 *propriated to carry out this section, \$50,000,000 for*
11 *the period of fiscal years 2006 through 2010.*

12 (2) *STUDIES AND ADMINISTRATION.*—*With re-*
13 *spect to the total amount appropriated for such pe-*
14 *riod in accordance with this subsection, not more*
15 *than \$2,500,000 of that amount may be used for ex-*
16 *penditures related to conducting studies required*
17 *under, and the administration of, this section.*

18 (m) *TERMINATION OF PROGRAM.*—*The program estab-*
19 *lished under subsection (a) shall terminate on September*
20 *30, 2010.*

Calendar No. 199

109TH CONGRESS
1ST Session

S. 525

[Report No. 109-130]

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.

August 31, 2005

Reported with an amendment