

Union Calendar No. 191

106TH CONGRESS
1ST SESSION

H. R. 28

[Report No. 106-323, Part I]

A BILL

To provide for greater access to child care services
for Federal employees.

SEPTEMBER 15, 1999

Reported from the Committee on Government Reform

SEPTEMBER 15, 1999

Referral to the Committee on the Judiciary extended for
a period ending not later than September 15, 1999

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Committee on the Judiciary discharged; committed to the
Committee of the Whole House on the State of the
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IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. GILMAN (for himself, Mrs. MORELLA, Mrs. MALONEY of New York, Mr. WAXMAN, Mr. ROMERO-BARCELO, Mrs. KELLY, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To provide for greater access to child care services for
Federal employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Quality Child Care
5 for Federal Employees Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ACCREDITED CHILD CARE FACILITY.—The
9 term “accredited child care facility” means—

10 (A) a facility that is accredited, by a child
11 care accreditation entity, as defined in para-
12 graph (2);

13 (B) a facility that is used as a Head Start
14 center under the Head Start Act (42 U.S.C.
15 9831 et seq.) and is in compliance with any ap-
16 plicable performance standards established by
17 regulation under such Act for Head Start pro-
18 grams; or

19 (C) an armed forces child development fa-
20 cility that is in compliance with any applicable
21 performance standards established by regula-
22 tion, rule, or military order.

23 (2) CHILD CARE ACCREDITATION ENTITY.—The
24 term “child care accreditation entity” means a non-
25 profit private organization or public agency that—

1 (A) is recognized by a State agency or by
2 a national organization which serves as a peer
3 review panel for the standards and procedures
4 of public and private childcare or school accred-
5 iting bodies; and

6 (B) accredits a facility to provide child
7 care on the basis of—

8 (i) an accreditation or credentialing
9 instrument based on peer-validated re-
10 search;

11 (ii) compliance with applicable State
12 or local licensing requirements, as appro-
13 priate, for the facility;

14 (iii) outside monitoring of the facility;
15 and

16 (iv) criteria that provide assurances
17 of—

18 (I) developmentally appropriate
19 health and safety standards at the fa-
20 cility;

21 (II) use of developmentally ap-
22 propriate educational activities, as an
23 integral part of the child care pro-
24 gram carried out at the facility; and

1 (III) use of ongoing staff devel-
2 opment or training activities for the
3 staff of the facility, including related
4 skills-based testing.

5 (3) STATE.—The term “State” has the mean-
6 ing given the term in section 658P of the Child Care
7 and Development Block Grant Act (42 U.S.C.
8 9858n).

9 **SEC. 3. PROVIDING QUALITY CHILD CARE IN FEDERAL FA-**
10 **CILITIES.**

11 (a) DEFINITION.—In this section:

12 (1) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of General Serv-
14 ices.

15 (2) ENTITY SPONSORING A CHILD CARE FACIL-
16 ITY.—The term “entity sponsoring a child care facil-
17 ity” means a Federal agency that operates, or an
18 entity that enters into a contract or licensing agree-
19 ment with a Federal agency to operate, a child care
20 center primarily for the use of Federal employees.

21 (3) EXECUTIVE AGENCY.—The term “Executive
22 agency” has the meaning given the term in section
23 105 of title 5, United States Code, except that the
24 term—

1 (A) does not include the Department of
2 Defense and the Coast Guard; and

3 (B) includes the General Services Adminis-
4 tration, with respect to the administration of a
5 facility described in paragraph (4)(B).

6 (4) EXECUTIVE FACILITY.—The term “execu-
7 tive facility”—

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

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

13 (5) FEDERAL AGENCY.—The term “Federal
14 agency” means an Executive agency or a judicial of-
15 fice.

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

20 (7) JUDICIAL OFFICE.—The term “judicial of-
21 fice” means an entity of the judicial branch of the
22 Federal Government.

23 (b) EXECUTIVE BRANCH STANDARDS AND COMPLI-
24 ANCE.—

1 (1) STATE AND LOCAL LICENSING REQUIRE-
2 MENTS.—

3 (A) IN GENERAL.—Any entity sponsoring
4 a child care facility in an executive facility
5 shall—

6 (i) comply with childcare standards
7 that minimally encompass State or local li-
8 censing requirements related to the provi-
9 sion of child care in that geographic area;
10 or

11 (ii) obtain the appropriate State or
12 local licenses for the facility.

13 (B) COMPLIANCE.—Not later than 6
14 months after the date of enactment of this
15 Act—

16 (i) the entity shall comply, or make
17 substantial progress (as determined by the
18 Administrator) toward complying, with
19 subparagraph (A); and

20 (ii) any contract or licensing agree-
21 ment used by an Executive agency for the
22 operation of such a child care center shall
23 include a condition that the child care be
24 provided by an entity that complies with
25 the appropriate State or local licensing re-

1 quirements related to the provision of child
2 care.

3 (2) HEALTH, SAFETY, AND FACILITY STAND-
4 ARDS.—The Administrator shall by regulation estab-
5 lish standards relating to health, safety, facilities, fa-
6 cility design, and other aspects of child care that the
7 Administrator determines to be appropriate for child
8 care in executive facilities, and require child care fa-
9 cilities, and entities sponsoring child care facilities,
10 in executive facilities to comply with the standards.
11 Such standards shall include requirements that child
12 care facilities be inspected for, and be free of, lead
13 hazards.

14 (3) ACCREDITATION STANDARDS.—

15 (A) IN GENERAL.—The Administrator
16 shall issue regulations requiring, to the max-
17 imum extent possible, any entity sponsoring an
18 eligible child care center (as defined by the Ad-
19 ministrator) in an executive facility to comply
20 with child care accreditation standards as iden-
21 tified in section 2(2)(A).

22 (B) COMPLIANCE.—The regulations shall
23 require that, not later than 5 years after the
24 date of enactment of this Act—

1 (i) the entity shall comply, or make
2 substantial progress (as determined by the
3 Administrator) toward complying, with the
4 standards; and

5 (ii) any contract or licensing agree-
6 ment used by an Executive agency for the
7 provision of child care services shall in-
8 clude a condition that the child care be
9 provided by an entity that complies with
10 the standards.

11 (4) EVALUATION AND COMPLIANCE.—

12 (A) IN GENERAL.—The Administrator
13 shall evaluate the compliance, with the require-
14 ments of paragraph (1) and the regulations
15 issued pursuant to paragraphs (2) and (3), of
16 child care facilities, and entities sponsoring
17 child care services, in executive facilities. The
18 Administrator may conduct the evaluation of
19 such a child care center or entity directly, or
20 through an agreement with another Federal
21 agency or private entity, other than the Federal
22 agency for which the child care facility is pro-
23 viding services. If the Administrator deter-
24 mines, on the basis of such an evaluation, that
25 the child care facility or entity is not in compli-

1 ance with the requirements, the Administrator
2 shall notify the Executive agency.

3 (B) EFFECT OF NONCOMPLIANCE.—On re-
4 ceipt of the notification of noncompliance issued
5 by the Administrator, the head of the Executive
6 agency shall—

7 (i) if the entity operating the child
8 care center is the agency—

9 (I) no later than 2 business days
10 after the date of receipt of the notifi-
11 cation correct any deficiencies that
12 are determined by the Administrator
13 to be life threatening or to present a
14 risk of serious bodily harm;

15 (II) develop and provide to the
16 Administrator a plan to correct any
17 other deficiencies in the operation of
18 the center and bring the center and
19 entity into compliance with the re-
20 quirements not later than 4 months
21 after the date of receipt of the notifi-
22 cation;

23 (III) provide the parents of the
24 children receiving child care services
25 at the center and employees of the

1 center with a notification detailing the
2 deficiencies described in subclauses (I)
3 and (II) and actions that will be taken
4 to correct the deficiencies, and post a
5 copy of the notification in a con-
6 spicuous place in the facility for a pe-
7 riod of 5 working days or until the de-
8 ficiencies are corrected, whichever is
9 later;

10 (IV) bring the facility and entity
11 into compliance with the requirements
12 and certify to the Administrator that
13 the facility and entity are in compli-
14 ance, based on an on-site evaluation
15 of the facility conducted by an inde-
16 pendent entity with expertise in child
17 care health and safety; and

18 (V) in the event that deficiencies
19 determined by the Administrator to be
20 life threatening or to present a risk of
21 serious bodily harm cannot be cor-
22 rected within 2 business days after
23 the date of receipt of the notification,
24 close the facility or the affected por-
25 tion of the facility, until such defi-

1 iciencies are corrected and notify the
2 Administrator of such closure; and

3 (ii) if the entity operating the child
4 care facility is a contractor or licensee of
5 the Executive agency—

6 (I) require the contractor or li-
7 censee no later than 2 business days
8 after the date of receipt of the notifi-
9 cation, to correct any deficiencies that
10 are determined by the Administrator
11 to be life threatening or to present a
12 risk of serious bodily harm;

13 (II) require the contractor or li-
14 censee to develop and provide to the
15 head of the agency a plan to correct
16 any other deficiencies in the operation
17 of the center and bring the center and
18 entity into compliance with the re-
19 quirements not later than 4 months
20 after the date of receipt of the notifi-
21 cation;

22 (III) require the contractor or li-
23 censee to provide the parents of the
24 children receiving child care services
25 at the facility and employees of the fa-

1 cility with a notification detailing the
2 deficiencies described in subclauses (I)
3 and (II) and actions that will be taken
4 to correct the deficiencies, and to post
5 a copy of the notification in a con-
6 spicuous place in the facility for 5
7 working days or until the deficiency is
8 corrected, whichever is later;

9 (IV) require the contractor or li-
10 censee to bring the facility and entity
11 into compliance with the requirements
12 and certify to the head of the agency
13 that the facility and entity are in com-
14 pliance, based on an on-site evaluation
15 of the facility conducted by an inde-
16 pendent entity with expertise in child
17 care health and safety; and

18 (V) in the event that deficiencies
19 determined by the Administrator to be
20 life threatening or to present a risk of
21 serious bodily harm cannot be cor-
22 rected within 2 business days after
23 the date of receipt of the notification,
24 close the facility or the affected por-
25 tion of the facility until such defi-

1 ciencies are corrected and notify the
2 Administrator of such closure, which
3 closure may be grounds for the imme-
4 diate termination or suspension of the
5 contract or license of the contractor or
6 licensee.

7 (C) COST REIMBURSEMENT.—The Execu-
8 tive agency shall reimburse the Administrator
9 for the costs of carrying out subparagraph (A)
10 for child care facilities located in an executive
11 facility other than an executive facility of the
12 General Services Administration. If an entity is
13 sponsoring a child care facility for 2 or more
14 Executive agencies, the Administrator shall allo-
15 cate the costs of providing such reimbursement
16 with respect to the entity among the agencies in
17 a fair and equitable manner, based on the ex-
18 tent to which each agency is eligible to place
19 children in the facility.

20 (5) DISCLOSURE OF PRIOR VIOLATIONS TO PAR-
21 ENTS AND FACILITY EMPLOYEES.—The Adminis-
22 trator shall issue regulations that require that each
23 Executive agency that operates a child care facility,
24 and each entity that enters into a contract or licens-
25 ing agreement with an Executive agency to operate

1 a child care facility, upon receipt by the facility or
2 the agency or entity (as applicable) of a request by
3 any individual who is a parent of any child enrolled
4 at the facility, a parent of a child for whom there
5 has been submitted an application to enroll at the
6 facility, or an employee of the facility, shall provide
7 to the individual—

8 (A) copies of all notifications of defi-
9 ciencies that have been provided in the past
10 with respect to the facility under paragraph
11 (4)(B) (i)(III) or (ii)(III), as applicable; and

12 (B) a description of the actions that were
13 taken to correct the deficiencies.

14 (c) APPLICATION.—Notwithstanding any other provi-
15 sion of this section, if 8 or more child care facilities are
16 sponsored in facilities owned or leased by an Executive
17 agency, the Administrator shall delegate to the head of
18 the agency the evaluation and compliance responsibilities
19 assigned to the Administrator under subsection (b)(4)(A).

20 (d) TECHNICAL ASSISTANCE, STUDIES, AND RE-
21 VIEWS.—The Administrator may provide technical assist-
22 ance, and conduct and provide the results of studies and
23 reviews, for Executive agencies, and entities sponsoring
24 child care centers in executive facilities, on a reimbursable

1 basis, in order to assist the entities in complying with this
2 section.

3 (e) COUNCIL.—The Administrator shall establish an
4 interagency council, comprised of all Executive agencies
5 described in subsection (d), to facilitate cooperation and
6 sharing of best practices, and to develop and coordinate
7 policy, regarding the provision of child care, including
8 areas for nursing mothers and other lactation support fa-
9 cilities and services, in the Federal Government.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$900,000 for fiscal year 2000 and such sums as may be
13 necessary for each subsequent fiscal year.

14 **SEC. 4. MISCELLANEOUS PROVISIONS RELATING TO CHILD**
15 **CARE PROVIDED BY FEDERAL AGENCIES.**

16 (a) AVAILABILITY OF FEDERAL CHILD CARE CEN-
17 TERS FOR ON-SITE CONTRACTORS; PERCENTAGE
18 GOAL.—Section 616(a) of the Act of December 22, 1987
19 (40 U.S.C. 490b), is amended—

20 (1) in subsection (a), by striking paragraphs
21 (2) and (3) and inserting the following:

22 “(2) such officer or agency determines that
23 such space will be used to provide child care and re-
24 lated services to children of Federal employees or
25 on-site Federal contractors, or dependent children

1 who live with Federal employees or on-site Federal
2 contractors; and

3 “(3) such officer or agency determines that
4 such individual or entity will give priority for avail-
5 able child care and related services in such space to
6 Federal employees and on-site Federal contractors.”;
7 and

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

9 “(e)(1) The Administrator of General Services must
10 confirm that at least 50 percent of aggregate enrollment
11 in Federal child care centers governmentwide are children
12 of Federal employees or on-site Federal contractors, or de-
13 pendent children who live with Federal employees or on-
14 site Federal contractors. Each provider of child care serv-
15 ices at an individual Federal child care center shall main-
16 tain this percentage as a goal for enrollment at the center.
17 If enrollment at a center drops below the goal, the provider
18 shall develop and implement a business plan with the
19 sponsoring Federal agency to achieve the goal within a
20 reasonable timeframe. This plan must be approved by the
21 Administrator of General Services based on its compliance
22 with standards established by the Administrator, and its
23 effect on achieving the aggregate Federal enrollment per-
24 centage goal.

1 “(2) The Administrator of General Services Adminis-
2 tration may enter into public-private partnerships or con-
3 tracts with nongovernmental entities to increase the ca-
4 pacity, quality, affordability, or range of child care and
5 related services and may, on a demonstration basis, waive
6 subsection (a)(3) and paragraph (1) of this subsection.”.

7 (b) PAYMENT OF COSTS OF TRAINING PROGRAMS.—
8 Section 616(b)(3) of such Act (40 U.S.C. 490(b)(3)) is
9 amended to read as follows:

10 “(3) If an agency has a child care facility in its space,
11 or is a sponsoring agency for a child care facility in other
12 Federal or leased space, the agency or the General Serv-
13 ices Administration may pay accreditation fees, including
14 renewal fees, for that center to be accredited. Any agency,
15 department, or instrumentality of the United States that
16 provides or proposes to provide child care services for chil-
17 dren referred to in subsection (a)(2), may reimburse any
18 Federal employee or any person employed to provide such
19 services for the costs of training programs, conferences,
20 and meetings and related travel, transportation, and sub-
21 sistence expenses incurred in connection with those activi-
22 ties. Any per diem allowance made pursuant to this section
23 shall not exceed the rate specified in regulations pre-
24 scribed pursuant to section 5707 of title 5, United States
25 Code.”.

1 (c) PROVISION OF CHILD CARE BY PRIVATE ENTI-
2 TIES.—Section 616(d) of such Act (40 U.S.C. 490b(d))
3 is amended to read as follows:

4 “(d)(1) If a Federal agency has a child care facility
5 in its space, or is a sponsoring agency for a child care
6 facility in other Federal or leased space, the agency, the
7 child care center board of directors, or the General Serv-
8 ices Administration may enter into an agreement with one
9 or more private entities under which such private entities
10 would assist in defraying the general operating expenses
11 of the child care provider including, but not limited to,
12 salaries and tuition assistance programs at the facility.

13 “(2)(A) Notwithstanding any other provision of law,
14 if a Federal agency does not have a child care program,
15 or if the Administrator of General Services has identified
16 a need for child care for Federal employees at an agency
17 providing child care services that do not meet the criteria
18 of subsection (a), the agency or the Administrator may
19 enter into an agreement with an existing non-Federal, li-
20 censed, and accredited child care facility, or a planned
21 child care facility that will become licensed and accredited,
22 for the provision of child care services for children of Fed-
23 eral employees.

24 “(B) Prior to entering into an agreement, the head
25 of the Federal agency must determine that child care serv-

1 ices to be provided through the agreement are more cost
2 effectively provided through this arrangement than
3 through establishment of an Executive child care facility.

4 “(C) The agency may provide any of the services de-
5 scribed in subsection (b)(3) if, in exchange for such serv-
6 ices, the facility reserves child care spaces for children re-
7 ferred to in subsection (a)(2), as agreed to by the parties.
8 The cost of any such services provided by an agency to
9 a child care facility on behalf of another agency shall be
10 reimbursed by the receiving agency.

11 “(3) This subsection does not apply to residential
12 child care programs.”.

13 (d) PILOT PROJECTS.—Section 616 of such Act (40
14 U.S.C. 490b) is further amended by adding at the end
15 the following:

16 “(f)(1) Upon approval of the agency head, an agency
17 may conduct a pilot project not otherwise authorized by
18 law for up to 2 years to test innovative approaches to pro-
19 viding alternative forms of quality child care assistance for
20 Federal employees. An agency head may extend a pilot
21 project for an additional 2-year period. Before any pilot
22 project may be implemented, a determination must be
23 made by the agency head that initiating the pilot project
24 would be more cost effective than establishing a new child

1 care facility. Costs of any pilot project shall be borne solely
2 by the agency conducting the pilot project.

3 “(2) The Administrator of General Services shall
4 serve as an information clearinghouse for pilot projects
5 initiated by other agencies to disseminate information con-
6 cerning the pilot projects to the other agencies.

7 “(3) Within 6 months after completion of the initial
8 2-year pilot project period, an agency conducting a pilot
9 project under this subsection shall provide for an evalua-
10 tion of the impact of the project on the delivery of child
11 care services to Federal employees, and shall submit the
12 results of the evaluation to the Administrator of General
13 Services. The Administrator shall share the results with
14 other Federal agencies.”.

15 (e) BACKGROUND CHECK.—Section 616 of such Act
16 (40 U.S.C. 490b) is further amended by adding at the
17 end the following:

18 “(g) All existing and newly hired workers in any child
19 care center located in federally owned or leased facilities
20 shall undergo a criminal history background check as de-
21 fined in 42 U.S.C. 13401.”.

22 **SEC. 5. REQUIREMENT TO PROVIDE LACTATION SUPPORT**
23 **IN NEW EXECUTIVE CHILD CARE FACILITIES.**

24 The head of each Federal agency shall require that
25 each child care facility first operated after the one-year

1 period beginning on the date of the enactment of this Act
2 by the Federal agency, or under a contract or licensing
3 agreement with the Federal agency, shall provide reason-
4 able accommodations for the needs of breast fed infants
5 and their mothers, including by providing a lactation area
6 or a room for nursing mothers as part of the operating
7 plan for the center.