

106TH CONGRESS
1ST SESSION

S. 813

To ensure the safety of children placed in child care centers in Federal facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 15, 1999

Mr. JEFFORDS (for himself, Ms. LANDRIEU, Mr. DODD, Mr. SARBANES, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To ensure the safety of children placed in child care centers in Federal facilities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act (except as otherwise provided in section
8 5):

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

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

7 (A) is recognized by a State agency or by
8 a national organization that serves as a peer re-
9 view panel on the standards and procedures of
10 public and private child care or school accred-
11 iting bodies; and

12 (B) accredits a facility to provide child
13 care on the basis of—

14 (i) an accreditation or credentialing
15 instrument based on peer-validated re-
16 search;

17 (ii) compliance with applicable State
18 or local licensing requirements, as appro-
19 priate, for the facility;

20 (iii) outside monitoring of the facility;
21 and

22 (iv) criteria that provide assurances
23 of—

1 (I) use of developmentally appro-
2 priate health and safety standards at
3 the facility;

4 (II) use of developmentally ap-
5 propriate educational activities, as an
6 integral part of the child care pro-
7 gram carried out at the facility; and

8 (III) use of ongoing staff devel-
9 opment or training activities for the
10 staff of the facility, including related
11 skills-based testing.

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

18 (4) EXECUTIVE AGENCY.—The term “Executive
19 agency” has the meaning given the term in section
20 105 of title 5, United States Code, except that the
21 term—

22 (A) does not include the Department of
23 Defense and the Coast Guard; and

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

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

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

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

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

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

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

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

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

4 (11) STATE.—The term “State” has the mean-
 5 ing given the term in section 658P of the Child Care
 6 and Development Block Grant Act of 1990 (42
 7 U.S.C. 9858n).

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

10 (a) EXECUTIVE FACILITIES.—

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

13 (A) IN GENERAL.—Any entity sponsoring
 14 a child care facility in an executive facility
 15 shall—

16 (i) comply with child care standards
 17 described in paragraph (2) that are no less
 18 stringent than applicable State or local li-
 19 censing requirements that are related to
 20 the provision of child care in the State or
 21 locality involved; or

22 (ii) obtain the applicable State or local
 23 licenses, as appropriate, for the facility.

1 (B) COMPLIANCE.—Not later than 6
2 months after the date of enactment of this
3 Act—

4 (i) the entity shall comply, or make
5 substantial progress (as determined by the
6 Administrator) toward complying, with
7 subparagraph (A); and

8 (ii) any contract or licensing agree-
9 ment used by an Executive agency for the
10 provision of child care services in the child
11 care facility shall include a condition that
12 the child care be provided by an entity that
13 complies with the standards described in
14 subparagraph (A)(i) or obtains the licenses
15 described in subparagraph (A)(ii).

16 (2) HEALTH, SAFETY, AND FACILITY STAND-
17 ARDS.—The Administrator shall by regulation estab-
18 lish standards relating to health, safety, facilities, fa-
19 cility design, and other aspects of child care that the
20 Administrator determines to be appropriate for child
21 care in executive facilities, and require child care fa-
22 cilities, and entities sponsoring child care facilities,
23 in executive facilities to comply with the standards.
24 The standards shall include requirements that child

1 care facilities be inspected for, and be free of, lead
2 hazards.

3 (3) ACCREDITATION STANDARDS.—

4 (A) IN GENERAL.—The Administrator
5 shall issue regulations requiring, to the max-
6 imum extent possible, any entity sponsoring an
7 eligible child care facility (as defined by the Ad-
8 ministrator) in an executive facility to comply
9 with standards of a child care accreditation en-
10 tity.

11 (B) COMPLIANCE.—The regulations shall
12 require that, not later than 3 years after the
13 date of enactment of this Act—

14 (i) the entity shall comply, or make
15 substantial progress (as determined by the
16 Administrator) toward complying, with the
17 standards; and

18 (ii) any contract or licensing agree-
19 ment used by an Executive agency for the
20 provision of child care services in the child
21 care facility shall include a condition that
22 the child care be provided by an entity that
23 complies with the standards.

24 (4) EVALUATION AND COMPLIANCE.—

1 (A) IN GENERAL.—The Administrator
2 shall evaluate the compliance, with the require-
3 ments of paragraph (1) and the regulations
4 issued pursuant to paragraphs (2) and (3), as
5 appropriate, of child care facilities, and entities
6 sponsoring child care facilities, in executive fa-
7 cilities. The Administrator may conduct the
8 evaluation of such a child care facility or entity
9 directly, or through an agreement with another
10 Federal agency or private entity, other than the
11 Federal agency for which the child care facility
12 is providing services. If the Administrator de-
13 termines, on the basis of such an evaluation,
14 that the child care facility or entity is not in
15 compliance with the requirements, the Adminis-
16 trator shall notify the Executive agency.

17 (B) EFFECT OF NONCOMPLIANCE.—On re-
18 ceipt of the notification of noncompliance issued
19 by the Administrator, the head of the Executive
20 agency shall—

21 (i) if the entity operating the child
22 care facility is the agency—

23 (I) not later than 2 business days
24 after the date of receipt of the notifi-
25 cation, correct any deficiencies that

1 are determined by the Administrator
2 to be life threatening or to present a
3 risk of serious bodily harm;

4 (II) not later than 4 months
5 after the date of receipt of the notifi-
6 cation, develop and provide to the Ad-
7 ministrator a plan to correct any
8 other deficiencies in the operation of
9 the facility and bring the facility and
10 entity into compliance with the re-
11 quirements;

12 (III) provide the parents of the
13 children receiving child care services
14 at the child care facility and employ-
15 ees of the facility with a notification
16 detailing the deficiencies described in
17 subclauses (I) and (II) and actions
18 that will be taken to correct the defi-
19 ciencies, and post a copy of the notifi-
20 cation in a conspicuous place in the
21 facility for 5 working days or until the
22 deficiencies are corrected, whichever is
23 later;

24 (IV) bring the child care facility
25 and entity into compliance with the

1 requirements and certify to the Ad-
2 ministrator that the facility and entity
3 are in compliance, based on an onsite
4 evaluation of the facility conducted by
5 an individual with expertise in child
6 care health and safety; and

7 (V) in the event that deficiencies
8 determined by the Administrator to be
9 life threatening or to present a risk of
10 serious bodily harm cannot be cor-
11 rected within 2 business days after
12 the date of receipt of the notification,
13 close the child care facility, or the af-
14 fected portion of the facility, until the
15 deficiencies are corrected and notify
16 the Administrator of the closure; and
17 (ii) if the entity operating the child
18 care facility is a contractor or licensee of
19 the Executive agency—

20 (I) require the contractor or li-
21 censee, not later than 2 business days
22 after the date of receipt of the notifi-
23 cation, to correct any deficiencies that
24 are determined by the Administrator

1 to be life threatening or to present a
2 risk of serious bodily harm;

3 (II) require the contractor or li-
4 censee, not later than 4 months after
5 the date of receipt of the notification,
6 to develop and provide to the head of
7 the agency a plan to correct any other
8 deficiencies in the operation of the
9 child care facility and bring the facil-
10 ity and entity into compliance with
11 the requirements;

12 (III) require the contractor or li-
13 censee to provide the parents of the
14 children receiving child care services
15 at the child care facility and employ-
16 ees of the facility with a notification
17 detailing the deficiencies described in
18 subclauses (I) and (II) and actions
19 that will be taken to correct the defi-
20 ciencies, and to post a copy of the no-
21 tification in a conspicuous place in the
22 facility for 5 working days or until the
23 deficiencies are corrected, whichever is
24 later;

1 (IV) require the contractor or li-
2 censee to bring the child care facility
3 and entity into compliance with the
4 requirements and certify to the head
5 of the agency that the facility and en-
6 tity are in compliance, based on an
7 onsite evaluation of the facility con-
8 ducted by an independent entity with
9 expertise in child care health and
10 safety; and

11 (V) in the event that deficiencies
12 determined by the Administrator to be
13 life threatening or to present a risk of
14 serious bodily harm cannot be cor-
15 rected within 2 business days after
16 the date of receipt of the notification,
17 close the child care facility, or the af-
18 fected portion of the facility, until the
19 deficiencies are corrected and notify
20 the Administrator of the closure,
21 which closure may be grounds for the
22 immediate termination or suspension
23 of the contract or license of the con-
24 tractor or licensee.

1 (C) COST REIMBURSEMENT.—The Execu-
2 tive agency shall reimburse the Administrator
3 for the costs of carrying out subparagraph (A)
4 for child care facilities located in an executive
5 facility other than an executive facility of the
6 General Services Administration. If an entity is
7 sponsoring a child care facility for 2 or more
8 Executive agencies, the Administrator shall allo-
9 cate the reimbursement costs with respect to
10 the entity among the agencies in a fair and eq-
11 uitable manner, based on the extent to which
12 each agency is eligible to place children in the
13 facility.

14 (5) DISCLOSURE OF PRIOR VIOLATIONS TO PAR-
15 ENTS AND FACILITY EMPLOYEES.—

16 (A) IN GENERAL.—The Administrator
17 shall issue regulations that require that each
18 entity sponsoring a child care facility in an ex-
19 ecutive facility, upon receipt by the child care
20 facility or the entity (as applicable) of a request
21 by any individual who is—

22 (i) a parent of any child enrolled at
23 the facility;

(ii) a parent of a child for whom an application has been submitted to enroll at the facility; or

(iii) an employee of the facility;

shall provide to the individual the copies and description described in subparagraph (B).

(B) COPIES AND DESCRIPTION.—The entity shall provide—

(i) copies of all notifications of deficiencies that have been provided in the past with respect to the facility under clause (i)(III) or (ii)(III), as applicable, of paragraph (4)(B); and

(ii) a description of the actions that were taken to correct the deficiencies.

(b) LEGISLATIVE FACILITIES.—

(1) ACCREDITATION.—The Chief Administrative Officer of the House of Representatives, the Librarian of Congress, and the head of a designated entity in the Senate shall ensure that, not later than 1 year after the date of enactment of this Act, the corresponding child care facility obtains accreditation by a child care accreditation entity, in accordance with the accreditation standards of the entity.

(2) REGULATIONS.—

1 (A) IN GENERAL.—If the corresponding
2 child care facility does not maintain accredita-
3 tion status with a child care accreditation enti-
4 ty, the Chief Administrative Officer of the
5 House of Representatives, the Librarian of Con-
6 gress, or the head of the designated entity in
7 the Senate shall issue regulations governing the
8 operation of the corresponding child care facil-
9 ity, to ensure the safety and quality of care of
10 children placed in the facility. The regulations
11 shall be no less stringent in content and effect
12 than the requirements of subsection (a)(1) and
13 the regulations issued by the Administrator
14 under paragraphs (2) and (3) of subsection (a),
15 except to the extent that appropriate adminis-
16 trative officers make the determination de-
17 scribed in subparagraph (B).

18 (B) MODIFICATION MORE EFFECTIVE.—
19 The determination referred to in subparagraph
20 (A) is a determination, for good cause shown
21 and stated together with the regulations, that a
22 modification of the regulations would be more
23 effective for the implementation of the require-
24 ments and standards described in subsection (a)
25 for the corresponding child care facilities, and

1 entities sponsoring the corresponding child care
2 facilities, in legislative facilities.

3 (3) CORRESPONDING CHILD CARE FACILITY.—

4 In this subsection, the term “corresponding child
5 care facility”, used with respect to the Chief Admin-
6 istrative Officer, the Librarian, or the head of a des-
7 ignated entity described in paragraph (1), means a
8 child care facility operated by, or under a contract
9 or licensing agreement with, an office of the House
10 of Representatives, the Library of Congress, or an
11 office of the Senate, respectively.

12 (c) JUDICIAL BRANCH STANDARDS AND COMPLI-
13 ANCE.—

14 (1) STATE AND LOCAL LICENSING REQUIRE-
15 MENTS HEALTH, SAFETY, AND FACILITY STAND-
16 ARDS, AND ACCREDITATION STANDARDS.—The Di-
17 rector of the Administrative Office of the United
18 States Courts shall issue regulations for child care
19 facilities, and entities sponsoring child care facilities,
20 in judicial facilities, which shall be no less stringent
21 in content and effect than the requirements of sub-
22 section (a)(1) and the regulations issued by the Ad-
23 ministrator under paragraphs (2) and (3) of sub-
24 section (a), except to the extent that the Director
25 may determine, for good cause shown and stated to-

1 together with the regulations, that a modification of
 2 such regulations would be more effective for the im-
 3 plementation of the requirements and standards de-
 4 scribed in paragraphs (1), (2), and (3) of subsection
 5 (a) for child care facilities, and entities sponsoring
 6 child care facilities, in judicial facilities.

7 (2) EVALUATION AND COMPLIANCE.—

8 (A) DIRECTOR OF THE ADMINISTRATIVE
 9 OFFICE OF THE UNITED STATES COURTS.—The
 10 Director of the Administrative Office of the
 11 United States Courts shall have the same au-
 12 thorities and duties with respect to the evalua-
 13 tion of, compliance of, and cost reimbursement
 14 for child care facilities, and entities sponsoring
 15 child care facilities, in judicial facilities as the
 16 Administrator has under subsection (a)(4) with
 17 respect to the evaluation of, compliance of, and
 18 cost reimbursement for such centers and enti-
 19 ties sponsoring such centers, in executive facili-
 20 ties.

21 (B) HEAD OF A JUDICIAL OFFICE.—The
 22 head of a judicial office shall have the same au-
 23 thorities and duties with respect to the compli-
 24 ance of and cost reimbursement for child care
 25 facilities, and entities sponsoring child care fa-

1 ilities, in judicial facilities as the head of an
 2 Executive agency has under subsection (a)(4)
 3 with respect to the compliance of and cost reim-
 4 bursement for such centers and entities spon-
 5 soring such centers, in executive facilities.

6 (d) APPLICATION.—Notwithstanding any other provi-
 7 sion of this section, if 8 or more child care facilities are
 8 sponsored in facilities owned or leased by an Executive
 9 agency, the Administrator shall delegate to the head of
 10 the agency the evaluation and compliance responsibilities
 11 assigned to the Administrator under subsection (a)(4)(A).

12 (e) TECHNICAL ASSISTANCE, STUDIES, AND RE-
 13 VIEWS.—The Administrator may provide technical assist-
 14 ance, and conduct and provide the results of studies and
 15 reviews, for Executive agencies, and entities sponsoring
 16 child care facilities in executive facilities, on a reimburs-
 17 able basis, in order to assist the entities in complying with
 18 this section. The Chief Administrative Officer of the
 19 House of Representatives, the Librarian of Congress, the
 20 head of the designated Senate entity described in sub-
 21 section (b), and the Director of the Administrative Office
 22 of the United States Courts, may provide technical assist-
 23 ance, and conduct and provide the results of studies and
 24 reviews, or request that the Administrator provide tech-
 25 nical assistance, and conduct and provide the results of

1 studies and reviews, for legislative offices and judicial of-
 2 fices, as appropriate, and entities operating child care fa-
 3 cilities in legislative facilities or judicial facilities, as ap-
 4 propriate, on a reimbursable basis, in order to assist the
 5 entities in complying with this section.

6 (f) INTERAGENCY COUNCIL.—

7 (1) COMPOSITION.—The Administrator shall es-
 8 tablish an interagency council, comprised of—

9 (A) representatives of all Executive agen-
 10 cies described in subsection (d) and other Exec-
 11 utive agencies at the election of the heads of the
 12 agencies;

13 (B) a representative of the Chief Adminis-
 14 trative Officer of the House of Representatives,
 15 at the election of the Chief Administrative Offi-
 16 cer;

17 (C) a representative of the head of the des-
 18 ignated Senate entity described in subsection
 19 (b), at the election of the head of the entity;

20 (D) a representative of the Librarian of
 21 Congress, at the election of the Librarian; and

22 (E) a representative of the Director of the
 23 Administrative Office of the United States
 24 Courts, at the election of the Director.

1 (2) FUNCTIONS.—The council shall facilitate
2 cooperation and sharing of best practices, and de-
3 velop and coordinate policy, regarding the provision
4 of child care, including the provision of areas for
5 nursing mothers and other lactation support facili-
6 ties and services, in the Federal Government.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 \$900,000 for fiscal year 2000 and such sums as may be
10 necessary for each subsequent fiscal year.

11 **SEC. 4. FEDERAL CHILD CARE EVALUATION.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Administrator and the
14 Director of the Office of Personnel Management shall
15 jointly prepare and submit to Congress a report that eval-
16 uates child care provided by entities sponsoring child care
17 facilities in executive facilities, legislative facilities, or judi-
18 cial facilities.

19 (b) CONTENTS.—The evaluation shall contain, at a
20 minimum—

21 (1) information on the number of children re-
22 ceiving child care described in subsection (a), ana-
23 lyzed by age, including information on the number
24 of those children who are age 6 through 12;

1 (2) information on the number of families not
2 using child care described in subsection (a) because
3 of the cost of the child care; and

4 (3) recommendations for improving the quality
5 and cost effectiveness of child care described in sub-
6 section (a), including recommendations of options
7 for creating an optimal organizational structure and
8 using best practices for the delivery of the child
9 care.

10 **SEC. 5. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES.**

11 (a) IN GENERAL.—In addition to services authorized
12 to be provided by an agency of the United States pursuant
13 to section 616 of the Act of December 22, 1987 (40
14 U.S.C. 490b), an Executive agency that provides or pro-
15 poses to provide child care services for Federal employees
16 may use agency funds to provide the child care services,
17 in a facility that is owned or leased by an Executive agen-
18 cy, or through a contractor, for civilian employees of the
19 agency.

20 (b) AFFORDABILITY.—Funds so used with respect to
21 any such facility or contractor shall be applied to improve
22 the affordability of child care for lower income Federal
23 employees using or seeking to use the child care services
24 offered by the facility or contractor.

1 (c) REGULATIONS.—The Administrator after con-
 2 sultation with the Director of the Office of Personnel Man-
 3 agement, shall, within 180 days after the date of enact-
 4 ment of this Act, issue regulations necessary to carry out
 5 this section.

6 (d) DEFINITION.—For purposes of this section, the
 7 term “Executive agency” has the meaning given the term
 8 by section 105 of title 5, United States Code, but does
 9 not include the General Accounting Office.

10 **SEC. 6. MISCELLANEOUS PROVISIONS RELATING TO CHILD**
 11 **CARE PROVIDED BY FEDERAL AGENCIES.**

12 (a) AVAILABILITY OF FEDERAL CHILD CARE CEN-
 13 TERS FOR ONSITE CONTRACTORS; PERCENTAGE GOAL.—
 14 Section 616 of the Act of December 22, 1987 (40 U.S.C.
 15 490b) is amended—

16 (1) in subsection (a)—

17 (A) by striking “officer or agency of the
 18 United States” and inserting “Federal agency
 19 or officer of a Federal agency”; and

20 (B) by striking paragraphs (2) and (3) and
 21 inserting the following:

22 “(2) the officer or agency determines that the
 23 space will be used to provide child care and related
 24 services to—

1 “(A) children of Federal employees or on-
2 site Federal contractors; or

3 “(B) dependent children who live with
4 Federal employees or onsite Federal contrac-
5 tors; and

6 “(3) the officer or agency determines that the
7 individual or entity will give priority for available
8 child care and related services in the space to Fed-
9 eral employees and onsite Federal contractors.”; and

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

11 “(e)(1)(A) The Administrator of General Services
12 shall confirm that at least 50 percent of aggregate enroll-
13 ment in Federal child care centers governmentwide are
14 children of Federal employees or onsite Federal contrac-
15 tors, or dependent children who live with Federal employ-
16 ees or onsite Federal contractors.

17 “(B) Each provider of child care services at an indi-
18 vidual Federal child care center shall maintain 50 percent
19 of the enrollment at the center of children described under
20 subparagraph (A) as a goal for enrollment at the center.

21 “(C)(i) If enrollment at a center does not meet the
22 percentage goal under subparagraph (B), the provider
23 shall develop and implement a business plan with the
24 sponsoring Federal agency to achieve the goal within a
25 reasonable timeframe.

1 “(ii) The plan shall be approved by the Administrator
2 of General Services based on—

3 “(I) compliance of the plan with standards es-
4 tablished by the Administrator; and

5 “(II) the effect of the plan on achieving the ag-
6 gregate Federal enrollment percentage goal.

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

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

16 “(3) If a Federal agency has a child care facility in
17 a Federal space, or is a sponsoring agency for a child care
18 facility in a Federal space, the agency or the General Serv-
19 ices Administration may pay accreditation fees, including
20 renewal fees, for that center to be accredited. Any Federal
21 agency that provides or proposes to provide child care
22 services for children referred to in subsection (a)(2), may
23 reimburse any Federal employee or any person employed
24 to provide the services for the costs of training programs,
25 conferences, and meetings and related travel, transpor-

1 tation, and subsistence expenses incurred in connection
 2 with those activities. Any per diem allowance made under
 3 this section shall not exceed the rate specified in regula-
 4 tions prescribed under section 5707 of title 5, United
 5 States Code.”.

6 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
 7 Section 616(c) of such Act (40 U.S.C. 490b(c)) is
 8 amended—

9 (1) by inserting “Federal” before “child care
 10 centers”; and

11 (2) by striking “Federal workers” and inserting
 12 “Federal employees”.

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

16 “(d)(1) If a Federal agency has a child care facility
 17 in a Federal space, or is a sponsoring agency for a child
 18 care facility in a Federal space, the agency, the child care
 19 center board of directors, or the General Services Adminis-
 20 tration may enter into an agreement with 1 or more pri-
 21 vate entities under which the private entities would assist
 22 in defraying the general operating expenses of the child
 23 care providers including salaries and tuition assistance
 24 programs at the facility.

1 “(2)(A) Notwithstanding any other provision of law,
2 if a Federal agency does not have a child care program,
3 or if the Administrator of General Services has identified
4 a need for child care for Federal employees at a Federal
5 agency providing child care services that do not meet the
6 requirements of subsection (a), the agency or the Adminis-
7 trator may enter into an agreement with a non-Federal,
8 licensed, and accredited child care facility, or a planned
9 child care facility that will become licensed and accredited,
10 for the provision of child care services for children of Fed-
11 eral employees.

12 “(B) Before entering into an agreement, the head of
13 the Federal agency shall determine that child care services
14 to be provided through the agreement are more cost effec-
15 tively provided through the arrangement than through es-
16 tablishment of a Federal child care facility.

17 “(C) The Federal agency may provide any of the
18 services described in subsection (b)(3) if, in exchange for
19 the services, the facility reserves child care spaces for chil-
20 dren referred to in subsection (a)(2), as agreed to by the
21 parties. The cost of any such services provided by a Fed-
22 eral agency to a Federal child care facility on behalf of
23 another Federal agency shall be reimbursed by the receiv-
24 ing agency.

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

3 (e) PILOT PROJECTS.—Section 616 of such Act (40
4 U.S.C. 490b) is further amended by adding at the end
5 the following:

6 “(f)(1) Upon approval of the agency head, a Federal
7 agency may conduct a pilot project not otherwise author-
8 ized by law for no more than 2 years to test innovative
9 approaches to providing alternative forms of quality child
10 care assistance for Federal employees. A Federal agency
11 head may extend a pilot project for an additional 2-year
12 period. Before any pilot project may be implemented, a
13 determination shall be made by the agency head that initi-
14 ating the pilot project would be more cost-effective than
15 establishing a new Federal child care facility. Costs of any
16 pilot project shall be paid solely by the agency conducting
17 the pilot project.

18 “(2) The Administrator of General Services shall
19 serve as an information clearinghouse for pilot projects
20 initiated by other Federal agencies to disseminate infor-
21 mation concerning the pilot projects to the other Federal
22 agencies.

23 “(3) Within 6 months after completion of the initial
24 2-year pilot project period, a Federal agency conducting
25 a pilot project under this subsection shall provide for an

1 evaluation of the impact of the project on the delivery of
 2 child care services to Federal employees, and shall submit
 3 the results of the evaluation to the Administrator of Gen-
 4 eral Services. The Administrator shall share the results
 5 with other Federal agencies.”.

6 (f) BACKGROUND CHECK.—Section 616 of such Act
 7 (40 U.S.C. 490b) is further amended by adding at the
 8 end the following:

9 “(g) Each Federal child care center located in a Fed-
 10 eral space shall ensure that each employee of the center
 11 (including any employee whose employment began before
 12 the date of enactment of this subsection) shall undergo
 13 a criminal history background check consistent with sec-
 14 tion 231 of the Crime Control Act of 1990 (42 U.S.C.
 15 13041).”.

16 (g) DEFINITIONS.—Section 616 of such Act (40
 17 U.S.C. 490b) is further amended by adding at the end
 18 the following:

19 “(h) In this section:

20 “(1) The term ‘Federal agency’ has the mean-
 21 ing given the term ‘Executive agency’ in section 2 of
 22 the Federal Employees Child Care Act.

23 “(2) The terms ‘Federal building’ and ‘Federal
 24 space’ have the meanings given the term ‘executive
 25 facility’ in such section 2.

1 “(3) The term ‘Federal child care center’
2 means a child care center in an executive facility, as
3 defined in such section 2.

4 “(4) The terms ‘Federal contractor’ and ‘Fed-
5 eral employee’ mean a contractor and an employee,
6 respectively, of an Executive agency, as defined in
7 such section 2.”.

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