

108TH CONGRESS
1ST SESSION

S. 1198

To establish the Child Care Provider Development and Retention Grant Program, the Child Care Provider Scholarship Program, and a program of child care provider health benefits coverage, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2003

Mr. DODD introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish the Child Care Provider Development and Retention Grant Program, the Child Care Provider Scholarship Program, and a program of child care provider health benefits coverage, 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 “Focus On Committed
5 and Underpaid Staff for Children’s Sake Act” or as the
6 “FOCUS Act”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) Research on early brain development and
5 early childhood demonstrates that the experiences
6 children have and the attachments children form
7 early in life have a decisive, long-lasting impact on
8 their later development and learning.

9 (2) High-quality, developmentally appropriate
10 child care beginning in early childhood and con-
11 tinuing through the years that children are in school
12 improves the scholastic success and educational at-
13 tainment of children, and the success and attain-
14 ment persist into adulthood.

15 (3) According to a growing body of research,
16 the single most important determinant of child care
17 quality is the presence of consistent, sensitive, well-
18 trained, and well-compensated child care providers.
19 However, child care programs nationwide experience
20 high turnover in teaching staff, fueled by poor com-
21 pensation and few opportunities for advancement.

22 (4) The Department of Labor reports that, in
23 2001, the average wage for a child care provider was
24 \$8.16 per hour, or \$16,980 annually. For full-time,
25 full-year work, the average annual wage for a child
26 care provider was not much above the 2001 poverty

1 line of \$14,630 for a family consisting of a parent
2 and 2 children. Family child care providers earned
3 even less. The median weekly wage of a family child
4 care provider in 2001 was \$264, which equals an an-
5 nual wage of \$13,728.

6 (5) Despite the important role child care pro-
7 viders may play in early child development and
8 learning, on average, a child care provider earns less
9 in a year than a bus driver (\$29,430), barber
10 (\$21,190), or janitor (\$19,800).

11 (6) Employer-sponsored benefits are minimal
12 for most child care staff. Even for child care pro-
13 viders at child care centers, the availability of health
14 care coverage for staff remains woefully inadequate.

15 (7) To offer compensation that would be suffi-
16 cient to attract and retain qualified child care pro-
17 viders, child care programs would have to charge
18 parents fees that many parents could not afford. For
19 programs that serve low-income children whose fami-
20 lies qualify for Federal and State child care sub-
21 sidies, the reimbursement rates set by the State
22 strongly influence the level of compensation that
23 staff receive. Current reimbursement rates for cen-
24 ter-based child care services and family child care
25 services are insufficient to recruit and retain quali-

1 fied child care providers and to ensure high-quality
2 services for children.

3 (8) Teachers leaving the profession are being
4 replaced by staff with less education and formal
5 training in early child development.

6 (9) As a result of low wages and limited bene-
7 fits, many child care providers do not work for long
8 periods in the child care field. Approximately 30 per-
9 cent of all teaching staff employed at child care cen-
10 ters leaves employment with a child care center each
11 year.

12 (10) Child care providers, as well as the chil-
13 dren, families, and businesses that depend upon the
14 providers, suffer the consequences of inadequate
15 compensation. This is true, with few exceptions, for
16 providers in all types of programs, including sub-
17 sidized and nonsubsidized programs, programs of-
18 fered by for-profit and nonprofit entities, and pro-
19 grams in large and small child care settings.

20 (11) Because of the severe nationwide shortage
21 of qualified staff available for employment by child
22 care programs, several States have recently initiated
23 programs to improve the quality of child care by in-
24 creasing the training and compensation of child care
25 providers. Such programs encourage the training,

1 education, and increased retention of qualified child
2 care providers by offering financial incentives, in-
3 cluding scholarships and increases in compensation,
4 that range from \$350 to \$6,500 annually.

5 (12) Family child care providers are almost
6 twice as likely to lack health insurance as the gen-
7 eral population. One in four child care centers does
8 not offer health insurance benefits to employees.
9 Even child care providers with health insurance cov-
10 erage state that it is difficult to afford out-of-pocket
11 health care expenses.

12 (13) In a study of lower income family child
13 care providers without health insurance, more than
14 half had used emergency room services for their own
15 health care in the past year.

16 (b) PURPOSES.—The purposes of this Act are—

17 (1) to establish the Child Care Provider Devel-
18 opment and Retention Grant Program, the Child
19 Care Provider Scholarship Program, and a program
20 of child care provider health benefits coverage; and

21 (2) to help children receive the high quality
22 child care and early education the children need for
23 positive cognitive and social development, by reward-
24 ing and promoting the retention of committed, quali-
25 fied child care providers and by providing financial

1 assistance to improve the educational qualifications
2 of child care providers.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) CHILD CARE PROVIDER.—The term “child
6 care provider” means an individual who provides a
7 service directly to a child on a person-to-person basis
8 for compensation for—

9 (A) a center-based child care provider that
10 is licensed or regulated under State or local law
11 and that satisfies the State and local require-
12 ments applicable to the child care services pro-
13 vided;

14 (B) a licensed or regulated family child
15 care provider that satisfies the State and local
16 requirements applicable to the child care serv-
17 ices provided; or

18 (C) an out-of-school time program that is
19 licensed or regulated under State or local law
20 and that satisfies the State and local require-
21 ments applicable to the child care services pro-
22 vided.

23 (2) FAMILY CHILD CARE PROVIDER.—The term
24 “family child care provider” has the meaning given
25 such term in section 658P of the Child Care and

1 Development Block Grant Act of 1990 (42 U.S.C.
2 9858n).

3 (3) INDIAN TRIBE.—The term “Indian tribe”
4 has the meaning given such term in section 4 of the
5 Indian Self-Determination and Education Assistance
6 Act (25 U.S.C. 450b).

7 (4) LEAD AGENCY.—The term “lead agency”
8 means the agency designated under section 658D of
9 the Child Care and Development Block Grant Act of
10 1990 (42 U.S.C. 9858b).

11 (5) SECRETARY.—The term “Secretary” means
12 the Secretary of Health and Human Services.

13 (6) STATE.—The term “State” means any of
14 the several States, the District of Columbia, the
15 Commonwealth of Puerto Rico, the Virgin Islands of
16 the United States, Guam, American Samoa, or the
17 Commonwealth of the Northern Mariana Islands.

18 (7) TRIBAL ORGANIZATION.—The term “tribal
19 organization” has the meaning given the term in
20 section 4 of the Indian Self-Determination and Edu-
21 cation Assistance Act (25 U.S.C. 450b).

1 **SEC. 4. FUNDS FOR CHILD CARE PROVIDER DEVELOPMENT**
2 **AND RETENTION GRANTS, SCHOLARSHIPS,**
3 **AND HEALTH BENEFITS COVERAGE.**

4 (a) **IN GENERAL.**—From amounts appropriated to
5 carry out this Act, the Secretary may allot and distribute
6 funds to eligible States, and make payments to Indian
7 tribes and tribal organizations, to pay for the Federal
8 share of the cost of carrying out activities under sections
9 7, 8, and 9 for eligible child care providers.

10 (b) **ALLOTMENTS.**—The funds shall be allotted and
11 distributed, and the payments shall be made, by the Sec-
12 retary in accordance with section 5, and expended by the
13 States (directly, or at the option of the States, through
14 units of general purpose local government), and by Indian
15 tribes and tribal organizations, in accordance with this
16 Act.

17 **SEC. 5. ALLOTMENTS TO STATES.**

18 (a) **AMOUNTS RESERVED.**—

19 (1) **TERRITORIES AND POSSESSIONS.**—The Sec-
20 retary shall reserve not more than $\frac{1}{2}$ of 1 percent
21 of the funds appropriated under section 12(a), and
22 not more than $\frac{1}{2}$ of 1 percent of the funds appro-
23 priated under section 12(b), for any fiscal year for
24 payments to the Virgin Islands of the United States,
25 Guam, American Samoa, and the Commonwealth of

1 the Northern Mariana Islands, to be allotted in ac-
2 cordance with their respective needs.

3 (2) INDIAN TRIBES AND TRIBAL ORGANIZA-
4 TIONS.—The Secretary shall reserve not more than
5 3 percent of the funds appropriated under section
6 12(a), and not more than 3 percent of the funds ap-
7 propriated under section 12(b), for any fiscal year
8 for payments to Indian tribes and tribal organiza-
9 tions with applications approved under subsection
10 (c).

11 (b) ALLOTMENTS TO REMAINING STATES.—

12 (1) GENERAL AUTHORITY.—From the funds
13 appropriated under section 12(a) for any fiscal year
14 and remaining after the reservations made under
15 subsection (a), and from the funds appropriated
16 under section 12(b) for any fiscal year and remain-
17 ing after the reservations made under subsection (a),
18 the Secretary shall allot to each State an amount
19 equal to the sum of—

20 (A) an amount that bears the same ratio
21 to 50 percent of the appropriate remainder as
22 the product of the young child factor of the
23 State and the allotment percentage of the State
24 bears to the sum of the corresponding products
25 for all States; and

1 (B) an amount that bears the same ratio
2 to 50 percent of such remainder as the product
3 of the school lunch factor of the State and the
4 allotment percentage of the State bears to the
5 sum of the corresponding products for all
6 States.

7 (2) YOUNG CHILD FACTOR.—In this subsection,
8 the term “young child factor” means the ratio of the
9 number of children under 5 years of age in the State
10 to the number of such children in all the States, as
11 determined according to the most recent annual esti-
12 mates of population in the States, as provided by the
13 Bureau of the Census.

14 (3) SCHOOL LUNCH FACTOR.—In this sub-
15 section, the term “school lunch factor” means the
16 ratio of the number of children who are receiving
17 free or reduced price lunches under the school lunch
18 program established under the Richard B. Russell
19 National School Lunch Act (42 U.S.C. 1751 et seq.)
20 in the State to the number of such children in all
21 the States, as determined annually by the Depart-
22 ment of Agriculture.

23 (4) ALLOTMENT PERCENTAGE.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), for purposes of this sub-

1 section, the allotment percentage for a State
2 shall be determined by dividing the per capita
3 income of all individuals in the United States,
4 by the per capita income of all individuals in
5 the State.

6 (B) LIMITATIONS.—For purposes of this
7 subsection, if an allotment percentage deter-
8 mined under subparagraph (A)—

9 (i) is more than 1.2 percent, the allot-
10 ment percentage of that State shall be con-
11 sidered to be 1.2 percent; and

12 (ii) is less than 0.8 percent, the allot-
13 ment percentage of the State shall be con-
14 sidered to be 0.8 percent.

15 (C) PER CAPITA INCOME.—For purposes
16 of subparagraph (A), per capita income shall
17 be—

18 (i) determined at 2-year intervals;

19 (ii) applied for the 2-year period be-
20 ginning on October 1 of the first fiscal
21 year beginning after the date such deter-
22 mination is made; and

23 (iii) equal to the average of the an-
24 nual per capita incomes for the most re-
25 cent period of 3 consecutive years for

1 which satisfactory data are available from
2 the Department of Commerce at the time
3 such determination is made.

4 (c) PAYMENTS TO INDIAN TRIBES AND TRIBAL OR-
5 ORGANIZATIONS.—

6 (1) RESERVATION OF FUNDS.—From amounts
7 reserved under subsection (a)(2), the Secretary may
8 make grants to or enter into contracts with Indian
9 tribes and tribal organizations that submit applica-
10 tions under this subsection, to plan and carry out
11 programs and activities—

12 (A) to encourage child care providers to
13 improve their qualifications;

14 (B) to retain qualified child care providers
15 in the child care field; and

16 (C) to provide health benefits coverage for
17 child care providers.

18 (2) APPLICATIONS AND REQUIREMENTS.—To
19 be eligible to receive a grant or contract under this
20 subsection, an Indian tribe or tribal organization
21 shall submit an application to the Secretary at such
22 time, in such manner, and containing such informa-
23 tion as the Secretary may require. The application
24 shall provide that the applicant—

1 (A) will coordinate the programs and ac-
2 tivities involved, to the maximum extent prac-
3 ticable, with the lead agency in each State in
4 which the applicant will carry out such pro-
5 grams and activities; and

6 (B) will make such reports on, and conduct
7 such audits of the funds made available through
8 the grant or contract for, programs and activi-
9 ties under this Act as the Secretary may re-
10 quire.

11 (d) DATA AND INFORMATION.—The Secretary shall
12 obtain from each appropriate Federal agency, the most re-
13 cent data and information necessary to determine the al-
14 lotments provided for in subsection (b).

15 (e) REALLOTMENTS.—

16 (1) IN GENERAL.—Any portion of an allotment
17 under subsection (b) to a State for a fiscal year that
18 the Secretary determines will not be distributed to
19 the State for such fiscal year shall be reallocated by
20 the Secretary to other States in proportion to the
21 original corresponding allotments made under such
22 subsection to such States for such fiscal year.

23 (2) LIMITATIONS.—

24 (A) REDUCTION.—The amount of any re-
25 allotment to which a State is entitled under this

1 subsection shall be reduced to the extent that
2 such amount exceeds the amount that the Sec-
3 retary estimates will be distributed to the State
4 to carry out corresponding activities under this
5 Act.

6 (B) REALLOTMENTS.—The amount of
7 such reduction shall be reallocated to States for
8 which no reduction in a corresponding allot-
9 ment, or in a corresponding reallocation, is re-
10 quired by this subsection, in proportion to the
11 original corresponding allotments made under
12 subsection (b) to such States for such fiscal
13 year.

14 (3) AMOUNTS REALLOCATED.—For purposes of
15 this Act (other than this subsection and subsection
16 (b)), any amount reallocated to a State under this
17 subsection shall be considered to be part of the cor-
18 responding allotment made under subsection (b) to
19 the State.

20 (4) INDIAN TRIBES OR TRIBAL ORGANIZA-
21 TIONS.—Any portion of a grant or contract made to
22 an Indian tribe or tribal organization under sub-
23 section (c) that the Secretary determines is not
24 being used in a manner consistent with the provision
25 of this subchapter in the period for which the grant

1 or contract is made available, shall be used by the
2 Secretary to make payments to other tribes or orga-
3 nizations that have submitted applications under
4 subsection (c) in accordance with their respective
5 needs.

6 (f) COST-SHARING.—

7 (1) CHILD CARE PROVIDER DEVELOPMENT AND
8 RETENTION GRANTS AND SCHOLARSHIPS.—

9 (A) FEDERAL SHARE.—The Federal share
10 of the cost of carrying out activities under sec-
11 tions 7 and 8, with funds allotted under this
12 section and distributed by the Secretary to a
13 State, shall be—

14 (i) not more than 90 percent of the
15 cost of each grant made under such sec-
16 tions, in the first fiscal year for which the
17 State receives such funds;

18 (ii) not more than 85 percent of the
19 cost of each grant made under such sec-
20 tions, in the second fiscal year for which
21 the State receives such funds;

22 (iii) not more than 80 percent of the
23 cost of each grant made under such sec-
24 tions, in the third fiscal year for which the
25 State receives such funds; and

1 (iv) not more than 75 percent of the
 2 cost of each grant made under such sec-
 3 tions, in any subsequent fiscal year for
 4 which the State receives such funds.

5 (B) NON-FEDERAL SHARE.—

6 (i) IN GENERAL.—The State may pro-
 7 vide the non-Federal share of the cost in
 8 cash or in the form of an in-kind contribu-
 9 tion, fairly evaluated by the Secretary.

10 (ii) IN-KIND CONTRIBUTION.—In this
 11 subparagraph, the term “in-kind contribu-
 12 tion” means payment of the costs of par-
 13 ticipation of eligible child care providers in
 14 health insurance programs or retirement
 15 programs.

16 (2) CHILD CARE PROVIDER HEALTH BENEFITS
 17 COVERAGE.—

18 (A) FEDERAL SHARE.—The Federal share
 19 of the cost of carrying out activities under sec-
 20 tion 9, with funds allotted under this section
 21 and distributed by the Secretary to a State,
 22 shall be not more than 50 percent of such cost.

23 (B) NON-FEDERAL SHARE.—The State
 24 may provide the non-Federal share of the cost
 25 in cash or in kind, fairly evaluated by the Sec-

1 retary, including plant, equipment, or services.
2 The State shall provide the non-Federal share
3 directly or through donations from public or
4 private entities. Amounts provided by the Fed-
5 eral Government, or services assisted or sub-
6 sidized to any significant extent by the Federal
7 Government, may not be included in deter-
8 mining the amount of such share.

9 (g) AVAILABILITY OF ALLOTTED FUNDS DISTRIB-
10 UTED TO STATES.—Of the funds allotted under this sec-
11 tion for activities described in sections 7 and 8 and distrib-
12 uted by the Secretary to a State for a fiscal year—

13 (1) not less than 67.5 percent shall be available
14 to the State for grants under section 7;

15 (2) not less than 22.5 percent shall be available
16 to the State for grants under section 8; and

17 (3) not more than 10 percent shall be available
18 to pay administrative costs incurred by the State to
19 carry out activities described in sections 7 and 8.

20 (h) DEFINITION.—For the purposes of subsections
21 (a) through (e), the term “State” includes only the 50
22 States, the District of Columbia, and the Commonwealth
23 of Puerto Rico.

1 **SEC. 6. APPLICATION AND PLAN.**

2 (a) APPLICATION.—To be eligible to receive a dis-
3 tribution of funds allotted under section 5, a State shall
4 submit to the Secretary an application at such time, in
5 such manner, and containing such information as the Sec-
6 retary may require by rule and shall include in such appli-
7 cation—

8 (1) a State plan that satisfies the requirements
9 of subsection (b); and

10 (2) assurances of compliance satisfactory to the
11 Secretary with respect to the requirements of section
12 9.

13 (b) REQUIREMENTS OF PLAN.—

14 (1) LEAD AGENCY.—The State plan shall iden-
15 tify the lead agency to make grants under this Act
16 for the State.

17 (2) RECRUITMENT AND RETENTION OF CHILD
18 CARE PROVIDERS.—The State plan shall describe
19 how the lead agency will encourage both the recruit-
20 ment of qualified child care providers who are new
21 to the child care field and the retention of qualified
22 child care providers who have a demonstrated com-
23 mitment to the child care field.

24 (3) NOTIFICATION OF AVAILABILITY OF GRANTS
25 AND BENEFITS.—The State plan shall describe how
26 the lead agency will identify all eligible child care

1 providers in the State and notify the providers of the
2 availability of grants and benefits under this Act.

3 (4) DISTRIBUTION OF GRANTS.—The State
4 plan shall describe how the lead agency will make
5 grants under sections 7 and 8 to eligible child care
6 providers in selected geographical areas in the State
7 in compliance with the following requirements:

8 (A) SELECTION OF GEOGRAPHICAL
9 AREAS.—For the purpose of making such
10 grants for a fiscal year, the State shall—

11 (i) select a variety of geographical
12 areas, determined by the State, that, col-
13 lectively—

14 (I) include urban areas, suburban
15 areas, and rural areas; and

16 (II) are areas whose residents
17 have diverse income levels; and

18 (ii) give special consideration to geo-
19 graphical areas selected under this sub-
20 paragraph for the preceding fiscal year.

21 (B) SELECTION OF CHILD CARE PRO-
22 VIDERS TO RECEIVE GRANTS.—In making
23 grants under section 7, the State may make
24 grants only to eligible child care providers in
25 geographical areas selected under subparagraph

1 (A), but may give special consideration in such
2 areas to eligible child care providers—

3 (i) who have attained a higher rel-
4 evant educational credential;

5 (ii) who provide a specific kind of
6 child care services;

7 (iii) who provide child care services to
8 populations who meet specific economic
9 characteristics; or

10 (iv) who meet such other criteria as
11 the State may establish.

12 (C) LIMITATION.—The State shall describe
13 how the State will ensure that grants made
14 under section 7 to child care providers will not
15 be used to offset reductions in the compensation
16 of such providers.

17 (D) REPORTING REQUIREMENT.—With re-
18 spect to each particular geographical area se-
19 lected under subparagraph (A), the State shall
20 provide an assurance that the State will, for
21 each fiscal year for which such State receives a
22 grant under section 7—

23 (i) include in the report required by
24 section 10, detailed information regard-
25 ing—

1 (I) the continuity of employment
2 of the grant recipients as child care
3 providers with the same employer;

4 (II) with respect to each em-
5 ployer that employed such a grant re-
6 cipient, whether such employer was
7 accredited by a recognized national or
8 State accrediting body during the pe-
9 riod of employment; and

10 (III) to the extent practicable
11 and available to the State, the rate
12 and frequency of employment turnover
13 of qualified child care providers
14 throughout such area,

15 during the 2-year period ending on the
16 deadline for submission of applications for
17 grants under section 7 for that fiscal year;
18 and

19 (ii) provide a follow-up report, not
20 later than 90 days after the end of the suc-
21 ceeding fiscal year that includes informa-
22 tion regarding—

23 (I) the continuity of employment
24 of the grant recipients as child care
25 providers with the same employer;

1 (II) with respect to each em-
2 ployer that employed such a grant re-
3 cipient, whether such employer was
4 accredited by a recognized national or
5 State accrediting body during the pe-
6 riod of employment; and

7 (III) to the extent practicable
8 and available to the State, detailed in-
9 formation regarding the rate and fre-
10 quency of employment turnover of
11 qualified child care providers through-
12 out such area,

13 during the 1-year period beginning on the
14 date on which the grant to the State was
15 made under section 7.

16 (5) CHILD CARE PROVIDER DEVELOPMENT AND
17 RETENTION GRANT PROGRAM.—The State plan shall
18 describe how the lead agency will determine the
19 amounts of grants to be made under section 7 in ac-
20 cordance with the following requirements:

21 (A) SUFFICIENT AMOUNTS.—The State
22 shall demonstrate that the amounts of indi-
23 vidual grants to be made under section 7 will
24 be sufficient—

1 (i) to encourage child care providers
2 to improve their qualifications; and

3 (ii) to retain qualified child care pro-
4 viders in the child care field.

5 (B) AMOUNTS TO CREDENTIALLED PRO-
6 VIDERS.—Such grants made to eligible child
7 care providers who have a child development as-
8 sociate credential (or equivalent) and who are
9 employed full-time to provide child care services
10 shall be in an amount that is not less than
11 \$1,000 per year.

12 (C) AMOUNTS TO PROVIDERS WITH HIGH-
13 ER LEVELS OF EDUCATION.—The State shall
14 make such grants in amounts greater than
15 \$1,000 per year to eligible child care providers
16 who have higher levels of education than the
17 education required for a credential such as a
18 child development associate credential (or equiv-
19 alent), according to the following requirements:

20 (i) PROVIDERS WITH BACCALAUREATE
21 DEGREES IN RELEVANT FIELDS.—An eligi-
22 ble child care provider who has a bacca-
23 laurate degree in the area of child devel-
24 opment or early child education shall re-
25 ceive a grant under section 7 in an amount

1 that is not less than twice the amount of
2 the grant that is made under section 7 to
3 an eligible child care provider who has an
4 associate of the arts degree in the area of
5 child development or early child education.

6 (ii) PROVIDERS WITH ASSOCIATE DE-
7 GREES.—An eligible child care provider
8 who has an associate of the arts degree in
9 the area of child development or early child
10 education shall receive a grant under sec-
11 tion 7 in an amount that is not less than
12 150 percent of the amount of the grant
13 that is made under section 7 to an eligible
14 child care provider who has a child devel-
15 opment associate credential (or equivalent)
16 and is employed full-time to provide child
17 care services.

18 (iii) OTHER PROVIDERS WITH BACCA-
19 LAUREATE DEGREES.—

20 (I) IN GENERAL.—Except as pro-
21 vided in subclause (II), an eligible
22 child care provider who has a bacca-
23 laureate degree in a field other than
24 child development or early child edu-
25 cation shall receive a grant under sec-

1 tion 7 in an amount equal to the
2 amount of the grant that is made
3 under section 7 to an eligible child
4 care provider who has an associate of
5 the arts degree in the area of child de-
6 velopment or early child education.

7 (II) EXCEPTION.—If an eligible
8 child care provider who has such a
9 baccalaureate degree obtains addi-
10 tional educational training in the area
11 of child development or early child
12 education, as specified by the State,
13 such provider shall receive a grant
14 under section 7 in an amount equal to
15 the amount of the grant that is made
16 under section 7 to an eligible child
17 care provider who has a baccalaureate
18 degree specified in clause (i).

19 (D) AMOUNTS TO FULL-TIME PRO-
20 VIDERS.—The State shall make a grant under
21 section 7 to an eligible child care provider who
22 works full-time in a greater amount than the
23 amount of the grant that is made under section
24 7 to an eligible child care provider who works

1 part-time, based on the State definitions of full-
2 time and part-time work.

3 (E) AMOUNTS TO EXPERIENCED PRO-
4 VIDERS.—The State shall make grants under
5 section 7 in progressively larger amounts to eli-
6 gible child care providers to reflect the number
7 of years worked as child care providers.

8 (6) DISTRIBUTION OF CHILD CARE PROVIDER
9 SCHOLARSHIPS.—The State plan shall describe how
10 the lead agency will make grants for scholarships in
11 compliance with section 8 and shall specify the types
12 of educational and training programs for which the
13 scholarship grants made under such section may be
14 used, including only programs that—

15 (A) are administered by institutions of
16 higher education that are eligible to participate
17 in student financial assistance programs under
18 title IV of the Higher Education Act of 1965
19 (20 U.S.C. 1070 et seq.); and

20 (B) lead to a State or nationally recog-
21 nized credential in the area of child develop-
22 ment or early child education, an associate of
23 the arts degree in the area of child development
24 or early child education, or a baccalaureate de-

1 gree in the area of child development or early
2 child education.

3 (7) EMPLOYER CONTRIBUTION.—The State
4 plan shall describe how the lead agency will encour-
5 age employers of child care providers to contribute
6 to the attainment of education goals by eligible child
7 care providers who receive grants under section 8.

8 (8) SUPPLEMENTATION.—The State plan shall
9 provide assurances that amounts received by the
10 State to carry out sections 7, 8, and 9 will be used
11 only to supplement, and not to supplant, Federal,
12 State, and local funds otherwise available to support
13 existing services and activities (as of the date the
14 amounts are used) that—

15 (A) encourage child care providers to im-
16 prove their qualifications and that promote the
17 retention of qualified child care providers in the
18 child care field; or

19 (B) provide health benefits coverage for
20 child care providers.

21 **SEC. 7. CHILD CARE PROVIDER DEVELOPMENT AND RE-**
22 **TENTION GRANT PROGRAM.**

23 (a) IN GENERAL.—A State that receives funds allot-
24 ted under section 5 and made available to carry out this
25 section shall expend such funds to pay for the Federal

1 share of the cost of making grants to eligible child care
2 providers in accordance with this section, to improve the
3 qualifications and promote the retention of qualified child
4 care providers.

5 (b) ELIGIBILITY TO RECEIVE GRANTS.—To be eligi-
6 ble to receive a grant under this section, a child care pro-
7 vider shall—

8 (1) have a child development associate creden-
9 tial (or equivalent), an associate of the arts degree
10 in the area of child development or early child edu-
11 cation, a baccalaureate degree in the area of child
12 development or early child education, or a bacca-
13 laureate degree in an unrelated field; and

14 (2) be employed as a child care provider for not
15 less than 1 calendar year, or (if the provider is em-
16 ployed on the date of the eligibility determination in
17 a child care program that operates for less than a
18 full calendar year) the program equivalent of 1 cal-
19 endar year, ending on the date of the application for
20 such grant, except that not more than 3 months of
21 education related to child development or to early
22 child education obtained during the corresponding
23 calendar year may be treated as employment that
24 satisfies the requirements of this paragraph.

1 (c) PRESERVATION OF ELIGIBILITY.—A State shall
2 not take into consideration whether a child care provider
3 is receiving, may receive, or may be eligible to receive any
4 funds or benefits under any other provision of this Act
5 for purposes of selecting eligible child care providers to
6 receive grants under this section.

7 **SEC. 8. CHILD CARE PROVIDER SCHOLARSHIP PROGRAM.**

8 (a) IN GENERAL.—A State that receives funds allot-
9 ted under section 5 and made available to carry out this
10 section shall expend such funds to pay for the Federal
11 share of the cost of making scholarship grants to eligible
12 child care providers in accordance with this section, to im-
13 prove their educational qualifications to provide child care
14 services.

15 (b) ELIGIBILITY REQUIREMENT FOR SCHOLARSHIP
16 GRANTS.—To be eligible to receive a scholarship grant
17 under this section, a child care provider shall be employed
18 as a child care provider for not less than 1 calendar year,
19 or (if the provider is employed on the date of the eligibility
20 determination in a child care program that operates for
21 less than a full calendar year) the program equivalent of
22 1 calendar year, ending on the date of the application for
23 such grant.

24 (c) SELECTION OF GRANTEES.—For purposes of se-
25 lecting eligible child care providers to receive scholarship

1 grants under this section and determining the amounts of
2 such grants, a State shall not—

3 (1) take into consideration whether a child care
4 provider is receiving, may receive, or may be eligible
5 to receive any funds or benefits under any other pro-
6 vision of this Act, or under any other Federal or
7 State law that provides funds for educational pur-
8 poses; or

9 (2) consider as resources of such provider any
10 funds such provider is receiving, may receive, or may
11 be eligible to receive under any other provision of
12 this Act, under any other Federal or State law that
13 provides funds for educational purposes, or from a
14 private entity.

15 (d) COST-SHARING REQUIRED.—The amount of a
16 scholarship grant made under this section to an eligible
17 child care provider shall be less than the cost of the edu-
18 cational or training program for which such grant is made.

19 (e) ANNUAL MAXIMUM SCHOLARSHIP GRANT
20 AMOUNT.—The maximum aggregate dollar amount of a
21 scholarship grant made by a State to an eligible child care
22 provider under this section in a fiscal year shall be \$1,500.

1 **SEC. 9. CHILD CARE PROVIDER HEALTH BENEFITS COV-**
2 **ERAGE.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Healthy Early Education Workforce Grant Program
5 Act”.

6 (b) **DEFINITION.**—In this section, the terms “depend-
7 ent”, “domestic partner”, and “spouse”, used with respect
8 to a State, have the meanings given the terms by the
9 State.

10 (c) **GENERAL AUTHORITY.**—A State that receives
11 funds allotted under section 5 and made available to carry
12 out this section shall expend such funds to pay for the
13 Federal share of the cost of providing access to affordable
14 health benefits coverage for—

15 (1) eligible child care providers; and

16 (2) at the discretion of the State involved, the
17 spouses, domestic partners, and dependents of such
18 providers.

19 (d) **PERMISSIBLE ACTIVITIES.**—In carrying out sub-
20 section (c), the State may expend such funds for any of
21 the following:

22 (1) To reimburse an employer of an eligible
23 child care provider, or the provider, for the employ-
24 er’s or provider’s share (or a portion of the share)
25 of the premiums or other costs for coverage under
26 group or individual health plans.

1 (2) To offset the cost of enrolling eligible child
 2 care providers in public health benefits plans, such
 3 as the medicaid program under title XIX of the So-
 4 cial Security Act (42 U.S.C. 1396 et seq.), the State
 5 children’s health insurance program under title XXI
 6 of such Act (42 U.S.C. 1397aa et seq.), or public
 7 employee health benefit plans.

8 (3) To otherwise subsidize the cost of health
 9 benefits coverage for eligible child care providers.

10 (e) ELIGIBILITY CRITERIA FOR HEALTH BENEFITS
 11 COVERAGE.—The State may establish criteria to limit the
 12 child care providers who may receive benefits through the
 13 allotment.

14 (f) SELECTION OF GRANTEES.—For purposes of se-
 15 lecting eligible child care providers to receive benefits
 16 under this section for a fiscal year, a State shall give—

17 (1) highest priority to—

18 (A) providers that meet any applicable cri-
 19 teria established in accordance with subsection
 20 (e) and received such assistance during the pre-
 21 vious fiscal year; and

22 (B) at the State’s discretion, the spouses,
 23 domestic partners, and dependents of such pro-
 24 viders; and

25 (2) second highest priority to—

1 (A) providers that meet any applicable cri-
2 teria established in accordance with subsection
3 (e) and are accredited by the National Associa-
4 tion for the Education of Young Children or the
5 National Association for Family Child Care;
6 and

7 (B) at the State's discretion, the spouses,
8 domestic partners, and dependents of such pro-
9 viders.

10 **SEC. 10. ANNUAL REPORT.**

11 A State that receives funds appropriated to carry out
12 this Act for a fiscal year shall submit to the Secretary,
13 not later than 90 days after the end of such fiscal year,
14 a report—

15 (1) specifying the uses for which the State ex-
16 pended such funds, and the aggregate amount of
17 funds (including State funds) expended for each of
18 such uses;

19 (2) containing available data relating to grants
20 made and benefits provided with such funds, includ-
21 ing—

22 (A) the number of eligible child care pro-
23 viders who received such grants and benefits;

24 (B) the amounts of such grants and bene-
25 fits;

1 (C) any other information that describes or
2 evaluates the effectiveness of this Act;

3 (D) the particular geographical areas se-
4 lected under section 6 for the purpose of mak-
5 ing such grants;

6 (E) with respect to grants made under sec-
7 tion 7—

8 (i) the number of years grant recipi-
9 ents have been employed as child care pro-
10 viders;

11 (ii) the level of training and education
12 of grant recipients;

13 (iii) to the extent practicable and
14 available to the State, detailed information
15 regarding the salaries and other compensa-
16 tion received by grant recipients to provide
17 child care services before, during, and after
18 receiving such grants;

19 (iv) the number of children who re-
20 ceived child care services provided by grant
21 recipients;

22 (v) information on family demo-
23 graphics of such children;

24 (vi) the types of settings described in
25 subparagraphs (A), (B), and (C) of section

1 3(1) in which grant recipients are em-
2 ployed; and

3 (vii) the ages of the children who re-
4 ceived child care services provided by grant
5 recipients;

6 (F) with respect to grants made under sec-
7 tion 8—

8 (i) the number of years grant recipi-
9 ents have been employed as child care pro-
10 viders;

11 (ii) the level of training and education
12 of grant recipients;

13 (iii) to the extent practicable and
14 available to the State, detailed information
15 regarding the salaries and other compensa-
16 tion received by grant recipients to provide
17 child care services before, during, and after
18 receiving such grants;

19 (iv) the types of settings described in
20 subparagraphs (A), (B), and (C) of section
21 3(1) in which grant recipients are em-
22 ployed;

23 (v) the ages of the children who re-
24 ceived child care services provided by grant
25 recipients;

1 (vi) the number of course credits or
2 credentials obtained by grant recipients;
3 and

4 (vii) the amount of time taken for
5 completion of the educational and training
6 programs for which such grants were
7 made; and

8 (G) such other information as the Sec-
9 retary may require by rule.

10 **SEC. 11. EVALUATION OF HEALTH BENEFITS PROGRAMS BY**
11 **SECRETARY.**

12 (a) EVALUATION.—The Secretary shall conduct an
13 evaluation of several State programs carried out with
14 grants made under section 9, representing various ap-
15 proaches to raising the rate of child care providers with
16 health benefits coverage.

17 (b) ASSESSMENT OF IMPACTS.—In evaluating State
18 programs under subsection (a), the Secretary may con-
19 sider any information appropriate to measure the success
20 of the programs, and shall assess the impact of the pro-
21 grams on the following:

22 (1) The rate of child care providers with health
23 benefits coverage.

24 (2) The take-up rate by eligible child care pro-
25 viders.

1 (3) The turnover rate in the child care field.

2 (4) The average wages paid to a child care pro-
3 vider.

4 (c) REPORT.—Not later than 3 years after the date
5 of enactment of this Act, the Secretary shall prepare and
6 submit a report to Congress containing the results of the
7 evaluation conducted under subsection (a), together with
8 recommendations for strengthening programs carried out
9 with grants made under section 9.

10 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) CHILD CARE PROVIDER DEVELOPMENT, RETEN-
12 TION, AND SCHOLARSHIPS.—There are authorized to be
13 appropriated to carry out the activities described in sec-
14 tions 7 and 8 \$500,000,000 for fiscal year 2004 and such
15 sums as may be necessary for each of fiscal years 2005
16 through 2008.

17 (b) CHILD CARE PROVIDER HEALTH BENEFITS COV-
18 ERAGE.—There is authorized to be appropriated to carry
19 out the activities described in section 9 \$200,000,000 for
20 fiscal year 2004 and such sums as may be necessary for
21 each of fiscal years 2005 through 2008.

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