

109TH CONGRESS
1ST SESSION

S. 233

To increase the supply of quality child care.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2005

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

A BILL

To increase the supply of quality child care.

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 “Caring for Children
5 Act”.

6 **TITLE I—CHILD CARE TRAINING**
7 **THROUGH DISTANCE LEARNING**

8 **SEC. 101. GRANTS FOR THE DEVELOPMENT OF A CHILD**
9 **CARE TRAINING INFRASTRUCTURE.**

10 (a) **AUTHORITY TO AWARD GRANTS.**—The Secretary
11 of Health and Human Services shall award grants to eligi-
12 ble entities to develop distance learning child care training

1 technology infrastructures and to develop model tech-
2 nology-based training courses for child care providers and
3 child care workers, to be provided through distance learn-
4 ing programs made available through the infrastructure.
5 The Secretary shall, to the maximum extent possible, en-
6 sure that such grants are awarded in those regions of the
7 United States with the fewest training opportunities for
8 child care providers.

9 (b) ELIGIBILITY REQUIREMENTS.—To be eligible to
10 receive a grant under subsection (a), an entity shall—

11 (1) develop the technological and logistical as-
12 pects of the infrastructure described in this section
13 and have the capability of implementing and main-
14 taining the infrastructure;

15 (2) to the maximum extent possible, develop
16 partnerships with secondary schools, institutions of
17 higher education, State and local government agen-
18 cies, and private child care organizations for the
19 purpose of sharing equipment, technical assistance,
20 and other technological resources, including—

21 (A) developing sites from which individuals
22 may access the training;

23 (B) converting standard child care training
24 courses to programs for distance learning; and

1 (C) promoting ongoing networking among
2 program participants; and

3 (3) develop a mechanism for participants to—

4 (A) evaluate the effectiveness of the infra-
5 structure, including the availability and afford-
6 ability of the infrastructure, and the training
7 offered through the infrastructure; and

8 (B) make recommendations for improve-
9 ments to the infrastructure.

10 (c) APPLICATION.—To be eligible to receive a grant
11 under subsection (a), an entity shall submit an application
12 to the Secretary at such time and in such manner as the
13 Secretary may require, and that includes—

14 (1) a description of the partnership organiza-
15 tions through which the distance learning programs
16 will be made available;

17 (2) the capacity of the infrastructure in terms
18 of the number and type of distance learning pro-
19 grams that will be made available;

20 (3) the expected number of individuals to par-
21 ticipate in the distance learning programs; and

22 (4) such additional information as the Secretary
23 may require.

24 (d) LIMITATION ON FEES.—No entity receiving a
25 grant under this section may collect fees from an indi-

1 vidual for participation in a distance learning program
 2 funded in whole or in part under this section that exceed
 3 the pro rata share of the amount expended by the entity
 4 to provide materials for the program and to develop, im-
 5 plement, and maintain the infrastructure (minus the
 6 amount of the grant awarded under this section).

7 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
 8 tion shall be construed as requiring a child care provider
 9 to subscribe to or complete a distance learning program
 10 made available under this section.

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

12 There is authorized to be appropriated to carry out
 13 this title \$50,000,000 for each of fiscal years 2006
 14 through 2010.

15 **TITLE II—REMOVAL OF BAR-**
 16 **RIERS TO INCREASING THE**
 17 **SUPPLY OF QUALITY CHILD**
 18 **CARE**

19 **SEC. 201. SMALL BUSINESS CHILD CARE GRANT PROGRAM.**

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

1 (b) APPLICATION.—To be eligible to receive a grant
2 under this section, a State shall prepare and submit to
3 the Secretary an application at such time, in such manner,
4 and containing such information as the Secretary may re-
5 quire, including an assurance that the funds required
6 under subsection (e) will be provided.

7 (c) AMOUNT OF GRANT.—The Secretary shall deter-
8 mine the amount of a grant to a State under this section
9 based on the population of the State as compared to the
10 population of all States receiving grants under this sec-
11 tion.

12 (d) USE OF FUNDS.—

13 (1) IN GENERAL.—A State shall use amounts
14 provided under a grant awarded under this section
15 to provide assistance to small businesses located in
16 the State to enable the small businesses to establish
17 and operate child care programs. Such assistance
18 may include—

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

21 (B) assistance for the startup costs related
22 to a child care program;

23 (C) assistance for the training of child care
24 providers;

1 (D) scholarships for low-income wage earn-
 2 ers;

3 (E) the provision of services to care for
 4 sick children or to provide care to school aged
 5 children;

6 (F) the entering into of contracts with
 7 local resource and referral or local health de-
 8 partments;

9 (G) assistance for care for children with
 10 disabilities; or

11 (H) assistance for any other activity deter-
 12 mined appropriate by the State.

13 (2) APPLICATION.—To be eligible to receive as-
 14 sistance from a State under this section, a small
 15 business shall prepare and submit to the State an
 16 application at such time, in such manner, and con-
 17 taining such information as the State may require.

18 (3) PREFERENCE.—

19 (A) IN GENERAL.—In providing assistance
 20 under this section, a State shall give priority to
 21 applicants that desire to form a consortium to
 22 provide child care in a geographic area within
 23 the State where such care is not generally avail-
 24 able or accessible.

1 (B) CONSORTIUM.—For purposes of sub-
2 paragraph (A), a consortium shall be made up
3 of 2 or more entities that may include busi-
4 nesses, nonprofit agencies or organizations,
5 local governments, or other appropriate entities.

6 (4) LIMITATION.—With respect to grant funds
7 received under this section, a State may not provide
8 in excess of \$250,000 in assistance from such funds
9 to any single applicant.

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

18 (1) for the first fiscal year in which the entity
19 receives such assistance, not less than 50 percent of
20 such costs (\$1 for each \$1 of assistance provided to
21 the entity under the grant);

22 (2) for the second fiscal year in which the enti-
23 ty receives such assistance, not less than $66\frac{2}{3}$ per-
24 cent of such costs (\$2 for each \$1 of assistance pro-
25 vided to the entity under the grant); and

1 (3) for the third fiscal year in which the entity
2 receives such assistance, not less than 75 percent of
3 such costs (\$3 for each \$1 of assistance provided to
4 the entity under the grant).

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

11 (g) STATE-LEVEL ACTIVITIES.—A State may not re-
12 tain more than 3 percent of funds for State administration
13 and other State-level activities.

14 (h) ADMINISTRATION.—

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

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

25 (3) MISUSE OF FUNDS.—

1 (A) REPAYMENT.—If the State determines,
2 through an audit or otherwise, that an entity
3 receiving assistance under a grant awarded
4 under this section has misused the assistance,
5 the State shall notify the Secretary of the mis-
6 use. The Secretary, upon such a notification,
7 may seek from such an entity the repayment of
8 an amount equal to the amount of any such
9 misused assistance plus interest.

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

14 (i) REPORTING REQUIREMENTS.—

15 (1) 2-YEAR STUDY.—

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

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

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

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

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

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

13 (2) 4-YEAR STUDY.—

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

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

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

6 (j) DEFINITION.—In this section, the term “small
7 business” means an employer who employed an average
8 of at least 2 but not more than 50 employees on business
9 days during the preceding calendar year.

10 (k) AUTHORIZATION OF APPROPRIATIONS.—

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

14 (2) EVALUATIONS AND ADMINISTRATION.—

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

21 (l) TERMINATION OF PROGRAM.—The program es-
22 tablished under subsection (a) shall terminate on Sep-
23 tember 30, 2011.

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