

111TH CONGRESS
1ST SESSION

H. R. 3315

To amend the Child Care and Development Block Grant Act of 1990 to
require criminal background checks of child care providers.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2009

Mr. CARSON of Indiana (for himself, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mr. STARK, Mr. SHIMKUS, Mr. MEEKS of New York, Mr. GRAYSON, and Mr. SABLAN) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks of child care providers.

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 “Child Care Criminal
5 Background Check Act of 2009”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to assist States in improv-
8 ing the overall quality of child care services in the State

1 by requiring national criminal background checks of child
 2 care providers that are licensed by the State or that re-
 3 ceive funds under the Child Care and Development Block
 4 Grant Act of 1990.

5 **SEC. 3. AMENDMENTS.**

6 (a) STATE PLAN.—Section 658E(c)(2) of the Child
 7 Care and Development Block Grant Act of 1990 (42
 8 U.S.C. 9858c(c)(2)) is amended by adding at the end the
 9 following:

10 “(I) CRIMINAL BACKGROUND CHECK.—

11 Certify that the State will—

12 “(i) require each eligible child care
 13 provider (excluding an eligible child care
 14 provider described in section 658P(5)(B))
 15 that is licensed by the State or receives
 16 funds provided under this subchapter—

17 “(I) to obtain from the State a
 18 comprehensive criminal background
 19 check of—

20 “(aa) each employee who
 21 provides child care services;

22 “(bb) each applicant for em-
 23 ployment to provide such serv-
 24 ices; and

1 “(cc) each family child care
2 provider who provides or applies
3 to provide such services;

4 “(II) to refuse to employ an indi-
5 vidual to provide such services—

6 “(aa) if such individual was
7 convicted, in the then most re-
8 cent 5-year period ending on the
9 date of receipt of such a criminal
10 background check, of—

11 “(AA) a crime of vio-
12 lence (as defined in section
13 20101 of subtitle A of title
14 II of the Violent Crime Con-
15 trol and Law Enforcement
16 Act of 1994 (42 U.S.C.
17 13701)); or

18 “(BB) a crime against
19 a child for which the penalty
20 exceeds imprisonment for a
21 term exceeding 1 year;

22 “(bb) to an eligible child
23 without the supervision of an em-
24 ployee whose criminal back-
25 ground check satisfies the re-

1 quirements of the subparagraph,
2 pending receipt of such a crimi-
3 nal background check of such in-
4 dividual; and

5 “(cc) to an eligible child
6 with the supervision of an em-
7 ployee whose criminal back-
8 ground check satisfies the re-
9 quirements of the subparagraph
10 and for a period exceeding 90
11 days, pending receipt of such a
12 criminal background check of
13 such individual; and

14 “(ii) carry out at the request of an eli-
15 gible child care provider, as soon as prac-
16 ticable, a comprehensive criminal back-
17 ground check (at the State option for a fee
18 not to exceed the actual cost to the State)
19 of each employee of, and each applicant for
20 employment by, a child care provider that
21 is licensed by the State or receives funds
22 provided under this subchapter by the
23 State, and make the results of such check
24 available to such provider and to such em-
25 ployee or applicant.

1 At the request of a State, the Secretary may
2 waive for 1 fiscal year the application of this
3 subparagraph to the State if the State dem-
4 onstrates a good faith effort to comply with the
5 requirements specified in this subparagraph and
6 its inability to so comply.”.

7 (b) ENFORCEMENT.—Section 658I(b)(2) of the Child
8 Care and Development Block Grant Act of 1990 (42
9 U.S.C. 9858g(i)(b)(2)) is amended by adding at the end
10 the following:

11 “If a State fails to comply substantially with
12 the requirements specified in section
13 658e(c)(2)(I), the Secretary shall reduce by 10
14 percent the State allotment for the fiscal year
15 following the fiscal year with respect to which
16 noncompliance is found.”.

17 **SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

18 This Act and the amendments made by this Act shall
19 take effect 2 years after the date of the enactment of this
20 Act.

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