

113TH CONGRESS
1ST SESSION

H. R. 1925

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

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2013

Mr. CARSON of Indiana (for himself, Ms. NORTON, Ms. WILSON of Florida, Mr. RANGEL, Mr. PAYNE, Ms. MOORE, and Ms. BROWN of Florida) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks, inspections, and training 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 2013”.

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 individual who
 21 provides child care services;

22 “(bb) each applicant selected
 23 for employment before providing
 24 such services; and

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

4 “(II) to refuse to employ, or con-
5 tinue to employ, an individual to pro-
6 vide such services—

7 “(aa) if such individual was
8 convicted of—

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

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

20 “(bb) to an eligible child
21 without the supervision of an em-
22 ployee whose criminal back-
23 ground check satisfies the re-
24 quirements of the subparagraph,
25 pending receipt of such a crimi-

1 nal background check of such in-
2 dividual; and

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

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

24 At the request of a State, the Secretary may
25 waive for 1 fiscal year the application of this

1 subparagraph to the State if the State dem-
2 onstrates a good faith effort to comply with the
3 requirements specified in this subparagraph and
4 its inability to so comply.

5 “(J) INSPECTIONS.—The State shall cer-
6 tify that each eligible child care provider (ex-
7 cluding an eligible child care provider described
8 in section 658P(5)(B)) that is licensed by the
9 State will be inspected not less frequently than
10 at 3-month intervals.

11 “(K) TRAINING.—The State shall certify
12 that each eligible child care provider (excluding
13 an eligible child care provider described in sec-
14 tion 658P(5)(B)) that receives funds provided
15 under this subchapter will receive not less
16 than—

17 “(i) 40 hours of training provided by
18 an entity recognized by the State; and

19 “(ii) annually 24 hours of training
20 that includes CPR, first aid, recognizing
21 child abuse, basic safety and health, and
22 child behavior and development.”.

23 (b) ENFORCEMENT.—Section 658I(b)(2) of the Child
24 Care and Development Block Grant Act of 1990 (42

1 U.S.C. 9858g(i)(b)(2)) is amended by adding at the end
2 the following:

3 “If a State fails to comply substantially with
4 the requirements specified in section
5 658e(c)(2)(I), the Secretary shall reduce by 10
6 percent the State allotment for the fiscal year
7 following the fiscal year with respect to which
8 noncompliance is found.”.

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

10 This Act and the amendments made by this Act shall
11 take effect 2 years after the date of the enactment of this
12 Act.

○