

Columbia, to be General Counsel of the Central Intelligence Agency.

Mr. REID. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Has the unanimous consent request been approved?

The PRESIDING OFFICER. The unanimous consent request has been approved.

All time has been yielded back.

The question is, Will the Senate advise and consent to the nomination of Caroline Diane Krass, of the District of Columbia, to be General Counsel of the Central Intelligence Agency?

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER (Ms. WARREN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 76 Ex.]

YEAS—95

Alexander	Franken	Murkowski
Ayotte	Gillibrand	Murphy
Baldwin	Graham	Murray
Barrasso	Grassley	Nelson
Begich	Hagan	Portman
Bennet	Harkin	Pryor
Blumenthal	Hatch	Reed
Blunt	Heinrich	Reid
Booker	Heitkamp	Risch
Boozman	Hirono	Roberts
Boxer	Hoeven	Rockefeller
Brown	Inhofe	Rubio
Burr	Isakson	Sanders
Cantwell	Johanns	Schatz
Cardin	Johnson (SD)	Schumer
Carper	Johnson (WI)	Sessions
Casey	Kaine	Shaheen
Chambliss	King	Shelby
Coats	Kirk	Stabenow
Coburn	Klobuchar	Tester
Cochran	Landrieu	Thune
Collins	Leahy	Toomey
Coons	Lee	Udall (CO)
Corker	Levin	Udall (NM)
Cornyn	Manchin	Vitter
Crapo	Markey	Walsh
Donnelly	McCain	Warner
Durbin	McCaskill	Warren
Enzi	McConnell	Whitehouse
Feinstein	Menendez	Wicker
Fischer	Merkley	Wyden
Flake	Mikulski	

NAYS—4

Cruz	Paul
Heller	Scott

NOT VOTING—1

Moran

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 2014—Continued

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Louisiana.

AMENDMENT NO. 2845, AS MODIFIED

Mr. VITTER. Madam President, I call up my amendment No. 2845 and ask that it be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 2845, as modified.

Mr. VITTER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary (acting through the Assistant Secretary for Children and Families) to prepare an annual report that contains a determination about whether States have complied with a priority requirement, and to require the Secretary to withhold funds from States that fail to comply with such priority requirement)

On page 99, strike line 19 and insert the following:

“(i) REPORT BY ASSISTANT SECRETARY FOR CHILDREN AND FAMILIES.—

“(I) IN GENERAL.—Not later than September 30 of the first full fiscal year after the date of enactment of the Child Care and Development Block Grant Act of 2014, and September 30 of each fiscal year thereafter, the Secretary (acting through the Assistant Secretary for Children and Families of the Department of Health and Human Services) shall prepare a report that contains a determination about whether each State uses amounts provided to such State for the fiscal year involved under this subchapter in accordance with the priority for services described in clause (i).

“(II) PENALTY FOR NONCOMPLIANCE.—For any fiscal year that the report of the Secretary described in subclause (I) indicates that a State has failed to give priority for services in accordance with clause (i), the Secretary shall—

“(aa) inform the State that the State has until the date that is 6 months after the Secretary has issued such report to fully comply with clause (i);

“(bb) provide the State an opportunity to modify the State plan of such State, to make the plan consistent with the requirements of clause (i), and resubmit such State plan to the Secretary not later than the date described in item (aa); and

“(cc) if the State does not fully comply with clause (i) and item (bb), by the date described in item (aa), withhold 5 percent of the funds that would otherwise be allocated to that State in accordance with this subchapter for the first full fiscal year after that date.

“(III) WAIVER FOR EXTRAORDINARY CIRCUMSTANCES.—Notwithstanding subclause (II) the Secretary may grant a waiver to a

State for one year to the penalty applied in subclause (II) if the Secretary determines there are extraordinary circumstances, such as a natural disaster, that prevent the state from complying with clause (I). If the Secretary does grant a waiver to a state under this section, the Secretary shall, within 30 days of granting such waiver, submit a report to the appropriate congressional committees on the circumstances of the waiver including the stated reason from the State on the need for a waiver, the expected impact of the waiver on children served under this program, and any such other relevant information the Secretary deems necessary.

“(iii) CHILD CARE RESOURCE AND REFERRAL SYSTEM.—”

Mr. VITTER. Madam President, I will briefly summarize this amendment, but I first want to thank the chairman and ranking member of the committee for working through this amendment and agreeing to what I think will be a quick consideration and adoption by voice vote.

This amendment is very simple, straightforward, but important. Present law with regard to child care and development block grants—present Federal law—says that States should and must prioritize for two categories of children: low-income kids and children with special needs. I think we all agree with that prioritization. The problem is, as recent reports have indicated, about half of all the States—23 to be exact—do not do that. They just basically ignore that Federal law.

This simple, straightforward amendment would bring accountability to the system and make sure all States follow present Federal law and give that appropriate priority treatment to children with special needs as well as low-income kids. It would do this by saying that there is going to be some accountability; that the Federal Department involved in the program already will annually make sure States follow this aspect of present law and that if a State is not doing that, it gets 6 months to cure the problem, but if it does not cure that within 6 months, then that State would feel the pinch by having 5 percent of its block grant funds withheld until it corrects the situation.

The amendment also gives the Secretary waiver authority for extraordinary circumstances, such as natural disasters and other emergencies.

Again, I appreciate the chairman and ranking member working out this provision. I do think it is important that all States follow Federal law, and we give these children—special needs children, low-income children—the priority treatment they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, the amendment has the admirable goal of prioritizing funds to low-income families who have children with disabilities. I applaud Senator VITTER's efforts and hope this provides significant reinforcement of what has been the law since 1996—that States must prioritize children from very low-income families

who have children with disabilities. This amendment reinforces that by saying the Department of Health and Human Services must meet that promise. There is a provision in there that gives them adequate time to make sure they do that.

Again, I thank the Senator from Louisiana for working with us. As I said when this amendment first came up, yes, as someone who has worked on disability issues for most of my adult life, I agreed with exactly what he wanted to do; there were just some language problems. That is the way we get legislation done around here—we work things out and we find the middle ground on which everybody can agree. I thank the Senator from Louisiana for his willingness to work this out. We support the amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I also want to thank my colleague from Louisiana and the chairman of the committee for working out this amendment.

Madam President, I know of no further debate on this amendment, and I would ask us to proceed to a vote on the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2845), as modified, was agreed to.

Mr. HARKIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SECTION 8(b)

Ms. MIKULSKI. Madam President, I want to first and foremost express my thanks to the chairman, and his colleagues, for this bipartisan bill—a long overdue effort that clearly is the result of a painstaking, patient effort by the committee to reauthorize the Child Care and Development Block Grant.

I wanted to discuss very quickly one provision, section 8(b), that I feel needs additional clarification.

Given that the overall priority of all of us to increase quality while ensuring that States can effectively navigate the federal standards—while maintaining their authority to set their own standards—would the Senator agree that the intent of this law is not to rewrite other existing Federal laws or evade requirements of other Federal laws that might diminish services for children?

Mr. HARKIN. Yes, I would agree. As our committee report explains, it is intended that “States exercise this provision in an attempt to maximize the effective administration and delivery of Federally subsidized childcare, and not for purposes that have a minor effect on childcare.”

I firmly believe, and I know my colleagues will agree, that this provision is not intended, nor should it be interpreted, as one that can be used to re-

write any other current laws, evade central provisions of other current laws, or undermine the goals and purposes of other laws. Certainly, it is not our intent to allow States to change, undermine or threaten in any way current laws.

Ms. MIKULSKI. I thank the chairman.

HHS RULEMAKING

Mr. BURR. Madam President, I have a question for my friend from Iowa, the chairman of the Committee on Health, Education, Labor, and Pensions. The Department of Health and Human Services, HHS, in May 2013 issued a notice of proposed rulemaking to the Child Care and Development Fund, CCDF, that would make several health and safety, quality, background checks, and other related changes. That NPRM is currently in the comment period and has yet to be finalized.

Am I correct in my understanding that HHS has shared with you, as well as with me, their interpretation that, should S. 1086, the Child Care Development Block Grant Reauthorization which we are considering in the Senate today along with any subsequent changes through the legislative process, become law, the proposed rulemaking for the CCDF would be overridden by S. 1086?

Mr. HARKIN. The Senator from North Carolina is correct that HHS has shared with me that S. 1086, and any further congressional changes made to S. 1086, would override the May 2013 notice of proposed rulemaking to the CCDF.

Mr. BURR. I thank the distinguished chairman for this important clarification and for his hard work in developing this important legislation.

Mr. INHOFE. Madam President, with 20 kids and grandkids, I understand the importance and value of quality, affordable childcare. I applaud those individuals seeking to attain further education and training in order to improve their situations, and the Child Care and Development Block Grant Program assists them in that pursuit.

The Child Care and Development Block Grant Program has been in place since 1990, and as a part of welfare reform in 1996, three other childcare initiatives were consolidated into this program, which provides formula-based block grant funding to States to subsidize childcare and emphasizes work, personal responsibility and parental choice. In my State of Oklahoma, 17,000 families and 28,000 children benefit directly from these funds.

This legislation not only reauthorizes the program for another 5 years, but it also does not add to the deficit and makes some important reforms, while preserving State flexibility in how the funds are used. S. 1086 adds new safety and health standards, calls for annual, unannounced onsite monitoring of licensed providers, requires background checks of childcare staff and providers and expands compliance with child abuse reporting require-

ments. Additionally, the Senate adopted 18 amendments, which I also supported, including Amendment 2822, which sets aside at least 2 percent of a State's CCDBG funds for Indian tribes and tribal organizations—of significance for Oklahoma. I also co-sponsored two adopted amendments: Amendment 2813, which extends a grace period to foster youth so that they can begin receiving CCDBG services while families compile medical documentation; and Amendment 2814, which requires States to have a plan in place to coordinate existing services and programs for children in foster care. I support S. 1086 and am encouraged by the example of regular order restored to Senate business.

Mr. LEVIN. Madam President, Americans believe in the power of hard work as the key to getting ahead, the key to prosperity, the key to a better future. We also believe in the importance of family, and in the responsibility we all share for making sure that America's children are cared for and protected.

The legislation before us today furthers both these values the value of hard work and the value of family. It would update and modernize a program that for two decades has helped families pursue rewarding employment or important education and training while obtaining essential care for their children. It is bipartisan legislation, unanimously approved in committee, with support from a broad range of education and child advocacy groups.

For all working parents, but particularly for low-income families, the demands of work and parenting are enormous challenges. Quality childcare can be hard to find and expensive so expensive that, for many families, the cost all but wipes out their paycheck. The Child Care and Development Block Grant Program is designed to help families meet this challenge. The program provides block grants to States so they can provide financial assistance to families coping with childcare expenses. Nationwide, more than 1.5 million children receive care through these grants. In Michigan, these grants helped more than 50,000 children receive the care they needed in Fiscal Year 2013.

The legislation Senators HARKIN and ALEXANDER have brought to the floor reauthorizes the block grant program so this important assistance can continue. The bill also makes important improvements. It requires States to establish education and training requirements for childcare workers, and ensures that States will inspect childcare facilities before they are granted licenses, and at least once a year thereafter. These requirements will improve our ability to ensure that children are cared for in a safe and secure environment. The bill makes important changes to improve care for children with special needs. It makes changes to eligibility requirements to make assistance more stable and dependable for families.

More than 30 national education, child-advocacy, parenting and violence prevention advocacy groups have endorsed this legislation, strongly supporting the reauthorization of the grant program and the changes to make the program more modern and effective. These groups also point out that in addition to authorization, programs require appropriations to be successful. Childcare is one of many important domestic priorities that Congress could more effectively address if we are willing to reach a balanced deficit reduction agreement that eliminates sequestration and provides needed funding. I remain hopeful we can reach such an agreement.

I wish to thank Senator HARKIN, chairman of the HELP Committee, and Senator ALEXANDER, Ranking Member of the HELP Committee, as well as Senators MIKULSKI, BURR, GILLIBRAND, and AYOTTE for sponsoring this important legislation. I support its passage and I encourage my colleagues to do the same.

Mrs. HAGAN. Madam President, I wish to speak today in support of the Child Care and Development Block Grant Act of 2014.

First, I applaud the hard work of my colleagues on the Senate Health, Education, Labor, and Pensions Committee—Chairman TOM HARKIN and Ranking Member LAMAR ALEXANDER.

I also commend Senator BARBARA MIKULSKI, my predecessor as chairman of the Subcommittee on Children and Families, and Senator RICHARD BURR for their commitment to improving the lives of children and their families as the sponsors of this important legislation.

We can all agree that supporting our children should be a priority of the utmost importance, and I am proud of the bipartisan work done by my colleagues toward that end.

The childcare and development block grant is an invaluable program that provides assistance to low-income working families. In North Carolina 78,000 children are served every month by CCDBG funding. These children and families deserve high quality childcare so that parents, like the ones I hear from in my State every day, can go to work with the knowledge that their children are safe and receiving high quality care.

Last year, I visited Elm Street Day Care Center in Greensboro, NC, where I saw the importance of childcare, and development block grant funding firsthand. I saw how this program is helping working families in North Carolina and noted ways we could update this law to make it to work better and more efficiently.

I am pleased this bill takes a significant step toward providing more information to parents about their children's care and encourages States to follow North Carolina's lead and increase the quality of childcare centers.

Currently, States must spend at least 4 percent of their Federal childcare

funds on improving the quality of childcare—including providing professional development for childcare providers, licensing and monitoring childcare facilities, and providing consumer education, so that parents have the information they need to make informed choices.

This reauthorization raises the minimum amount to be spent on quality improvements to 10 percent by 2020. As a result, we can help to ensure that children in all 50 States are receiving quality care by passing this legislation.

I am also particularly pleased to support this bill because it includes key provisions of the Child Care Infant Mortality Prevention Act, which I introduced with Senators DIANNE FEINSTEIN and SUSAN COLLINS in September.

These provisions will allow for the use of Federal funds to train childcare providers in sleep practices, first aid, and CPR for infants.

According to the Centers for Disease Control and the American Academy of Pediatrics, safe sleep practices can reduce by one-half the annual number of cases of Sudden Unexpected Infant Death Syndrome—a tragedy that touches approximately 100 families in North Carolina each year.

Roughly 20 percent of all cases of Sudden Unexpected Infant Death Syndrome occur in child care settings, and—with this provision—we can provide child care providers with the resources they need to prevent these unnecessary tragedies.

I urge my colleagues to join me in supporting the Child Care and Development Block Grant Act.

Mr. REED. Madam President, I am pleased to support the Child Care and Development Block Grant Act of 2014, and would like to commend the bipartisan work of Senators MIKULSKI and BURR and Chairman HARKIN and Ranking Member ALEXANDER of the Health, Education, Labor, and Pensions Committee in bringing this important legislation to the floor. There have been several previous attempts to reauthorize this critical program in the past, including when I was a member of this committee. It is my hope we can come together and finally carry this important legislation across the finish line to the benefit of children and families across the country.

Access to affordable, high quality, safe and secure childcare is essential for working families. Yet, such care is very hard to find. According to a 2013 Child Care Aware survey, the cost of full-time, center-based care for two children is the highest single household expense in the Northeast, Midwest and South. This high cost often puts fully licensed programs out of reach for low-income families.

The child care and development block grant has not been reauthorized since 1996. At that time, the primary focus of the program was to enable people to move from welfare to work. Today, knowing the critical importance of early brain development and

the role early education plays in school readiness and successful outcomes for young people, we must work to achieve the dual goals of CCDBG to ensure affordable and quality childcare options for children and families. And we cannot achieve these goals without addressing the issue of payment rates, the level at which states reimburse childcare providers who care for low-income children who receive a child care subsidy.

That is why during previous attempts to reauthorize the child care and development block grant during the 107th, 108th and 109th Congresses, I introduced the Child Care Quality Incentive Act to provide incentives to States to set equitable payment rates so that low-income families would have access to affordable and high quality care for their children. I am pleased that the bill before us today includes some of the key provisions of my legislation, such as requiring States to conduct a statistically valid and reliable survey of market rates for childcare, report the results of the survey publicly, and set the rates based on the survey results, taking into consideration the cost of providing higher quality care. Raising the payment rates for childcare is an integral component to improving quality.

The other essential element to improving quality and affordability is our investment in childcare and early education programs. According to the Congressional Research Service, seven percent fewer children were served in fiscal year 2012 than had been served in fiscal year 2011. According to Kids Count Rhode Island, since peaking in 2003, the number of childcare subsidies in the State has decreased by 45 percent. The \$154 million increase for childcare that we included in the fiscal year 2014 Consolidated Appropriations Act was a step in the right direction. Clearly, we need to do more.

I look forward to working with my colleagues to advance this legislation to expand our support for working families, and ensure that all children have the quality of education and care to reach their full potential.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, for the information of Senators, we are now down to two voice votes on two pending amendments that have been cleared. We will then have a rollcall vote on final passage. I am hopeful that is going to happen within a very short period of time. In maybe 5 minutes or 10 minutes, I hope we will be ready for a final vote on this bill.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2847 AND 2846

Mr. HARKIN. Madam President, we have no further debate on the two pending amendments—Portman No. 2847 and Sanders No. 2846—and the substitute. I know of—Madam President, I was misinformed. I thought those amendments had already been called up.

Madam President, I would like to call up in order Portman amendment No. 2847 and Sanders amendment No. 2846 and ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes, en bloc, for Mr. PORTMAN, an amendment numbered 2847, and for Mr. SANDERS an amendment numbered 2846.

The amendments are as follows:

AMENDMENT NO. 2847

(Purpose: To provide that a child care staff member who has been convicted of a violent misdemeanor against a child or a misdemeanor involving child pornography is ineligible for employment by certain child care providers)

On page 120, strike line 12 and insert the following:

preceding 5 years; or

“(E) has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or of a misdemeanor involving child pornography.

AMENDMENT NO. 2846

(Purpose: To express the sense of the Senate on significantly reducing child poverty by calendar year 2019)

On page 141, insert at the end the following:

SEC. 13. SENSE OF THE SENATE ON SIGNIFICANTLY REDUCING CHILD POVERTY BY CALENDAR YEAR 2019.

(a) FINDINGS.—The Senate finds that—

(1) the United States has the highest rate of childhood poverty among 34 major countries in the Organisation for Economic Co-operation and Development, including Denmark, Finland, Norway, Iceland, Cyprus, Austria, Sweden, the Czech Republic, Germany, Slovenia, Hungary, South Korea, the United Kingdom, Switzerland, the Netherlands, Ireland, France, Malta, Luxembourg, Slovakia, Estonia, Belgium, New Zealand, Poland, Canada, Australia, Japan, Portugal, Greece, Italy, Lithuania, Latvia, Spain, and Bulgaria;

(2) a record-breaking 46,496,000 individuals lived in poverty in the United States in 2012, which is an increase of 14,915,000 individuals since 2000;

(3) 16,073,000 children in the United States lived in poverty in 2012, which is an increase of 4,486,000 children since 2000;

(4) more than 7,100,000 children in the United States, 40 percent of children living in poverty in the United States, live in extreme poverty (defined as living in families with an income that is less than half of the poverty level);

(5) nearly 1,200,000 public school students in the United States were homeless in the 2011–2012 school year, an increase of 73 percent since the 2006–2007 school year;

(6) in an average month in fiscal year 2011, 1,200,000 households with children in the United States did not have any cash income and, for food, depended only on benefits under the supplemental nutrition assistance

program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(7) in 2012, government assistance programs removed from poverty 9,000,000 children, including 5,300,000 children through the earned income tax credit under section 32 of the Internal Revenue Code of 1986 and the child tax credit under section 24 of the Internal Revenue Code of 1986, and 2,200,000 children through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(8) in 2012, child poverty would have been 57 percent higher, and extreme poverty would have been 240 percent higher, without government tax credits and food, housing, and energy benefits;

(9) in 2013, an individual working full-time at the Federal minimum wage could not afford the fair market rent for a 2-bedroom rental unit and have enough money for food, utilities, and other necessities;

(10) in school years 2009–2010 and 2010–2011, less than half of children ages 3 and 4 were enrolled in preschool;

(11) Early Head Start programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.) served only 4 percent of the 2,900,000 eligible poor infants and toddlers each day in fiscal year 2012, and Head Start programs carried out under such Act served only 41 percent of the 2,000,000 eligible poor children ages 3 and 4;

(12) more than 220,000 children are on waiting lists for child care assistance; and

(13) child poverty costs the United States not less than \$500,000,000 each year in additional education, health, and criminal justice costs and in lost productivity.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately present to Congress a comprehensive plan to significantly reduce child poverty in the United States by calendar year 2019.

Mr. HARKIN. Madam President, as I said, I know of no further debate on those amendments. We are ready to vote.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, if the Senator will yield, as we close into the final minutes of this bill, I just want to say that today will be a great victory for America's children because we will pass the child care and development block grant. I think it is a great victory for the Senate to show that we could govern ourselves with an open amendment process. We could do it diligently, we could do it deliberately, and we could do it with courtesy and civility. This is the way the Senate should be. Within 2 days we have arrived at a great bill, with cooperation and civility on both sides of the aisle. I hope this becomes a model for the way the Senate will conduct itself for the rest of the session.

I have been very proud to be part of this bill. I thank Senator RICHARD BURR of North Carolina, my Republican counterpart on the children's committee, with all of the due diligence we did for a year and a half. I also thank Senator LAMAR ALEXANDER for his steadfast leadership and input, and of course I thank TOM HARKIN, our leader, who, as he wraps up his Senate career, will never wrap up his advocacy for America's children.

I thank all of our staff for the great work they did in the 100 meetings with stakeholders and the 200 meetings with us.

Madam President, I am ready for the vote and yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I would like to take this quick opportunity to thank my colleague Senator MIKULSKI for those kind words and, more importantly, for her passion on this issue. I thank the chairman and the ranking member for their help. But more importantly, I would like to thank the committee staff and personal staffs who have been over here for the last several days and late last night trying to work out amendments. I thank the Members who have been very accommodating to changes so we could get this bill up.

I might take a personal privilege to say that part of this bill was done by a former staff member of mine, Celia Sims, and she is one proud woman today because of that being included in this bill and its passage. I look forward to it.

I yield back.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I will not extend this more than 2 minutes, but I think it is instructive to colleagues to note what the Senator from Maryland, the Senator from North Carolina, and the Senator from Iowa have done. We started this bill about 24 hours ago, right after lunch. More than 40 amendments were filed. More than half of them have been considered and disposed of. There was no objection to a motion to proceed. There was no cloture vote filed. There was no filibuster. And on both sides of the aisle, anyone who showed up with an amendment relevant to the childcare discussion had a chance to have it considered without anybody picking their amendment. Finally, on this side and that side of the aisle, many Members showed a lot of restraint and courtesy in adjusting their amendments so that we could get here. We will not be able to do this every time, but it is a modest step in a very good direction toward the way the Senate should work.

I want to especially thank the Senator from Iowa, the Senator from Maryland, and the Senator from North Carolina for their leadership.

I would also like to extend my deep thanks and sincere appreciation to the dedicated staff that worked on this bill for the past year. Without their hard work and tireless effort we wouldn't have been able to reach the successful conclusion on the passage of this important bill.

I would like to thank Senator BURR's staff, Christopher Toppings and Natasha Hickman for working so closely with my staff and working so well together and with our Republican offices.

I would also like to thank Senator MIKULSKI's staff, Brent Palmer and

Jessica McNiece for their hard work and steady support of getting this bill through the Senate.

The Chairman of the committee has an outstanding staff who are all very capable and dedicated, especially Mario Cardona, Mildred Otero, and his new Staff Director, Derek Miller. I thank them for their close working relationship with my staff.

We know that these bills don't just suddenly appear. Legislative Counsel staff work long hours on the bill and then on the amendments, so I would like to especially thank Liz King, Kristin Romero, Katie Grendon, Bill Baird, and Rob Silver.

And we always rely on our experts at the Congressional Research Service to give us good information in a timely manner, so I extend our thanks to Karen Lynch.

Finally I would like to thank my staff. They have put in a lot of time and effort to make this a process the Senate can be proud of, and I appreciate their efforts and late nights on this bill. So my thanks go out to Diane Tran, Bill Knudsen, Marty West, Patrick Murray, Peter Oppenheim, Michael Merrell, David Cleary, Liz Wolgemuth, and Jim Jeffries.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 2847 and 2846) were agreed to en bloc.

The Senator from Iowa.

AMENDMENT NO. 2811 WITHDRAWN

Mr. HARKIN. Madam President, I withdraw my pending amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HARKIN. Madam President, again, I know of no further amendments or debate.

The PRESIDING OFFICER. The question is on the adoption of the committee substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. HARKIN. Madam President, I would like to join my colleagues and thank everyone for getting this bill done. This is a good bill. First, I would again say thanks to both Senator BURR and Senator MIKULSKI. This is really their bill. They spent the better part of 2 years working this out.

I would like to say that we have had a good day here to work this out, as Senator ALEXANDER said. But a lot of that is the preliminary work that goes into developing a bill such as this over a long period of time. So my respect—my great respect—and my thanks to both Senator BURR and Senator MIKULSKI for getting this bill to where we are now.

My thanks to my good friend Senator ALEXANDER and for the great partnership we have working together on the committee. As he said the other day, no other committee has a wider divergence of ideological views than our committee, but I believe, if I am not mistaken, this is the 19th or 20th bill

we have gotten through our committee this Congress.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Will my friend yield for a brief comment?

Mr. HARKIN. Yes, of course I will yield.

Mr. REID. Mr. President, it would be improper if we did not acknowledge the work MIKE LEE was involved with in this legislation. He should be complimented for working to help get this passed.

Mr. HARKIN. The leader is right. Senator LEE was very accommodating in letting us move forward on this bill. I appreciate that.

We accomplished a lot in the floor process, as Senator ALEXANDER said. I think we can adopt the legislation, making it an even stronger bill. I would not like to thank a lot of the staff. I hope I do not miss anyone. David Cleary, Peter Oppenheim, Patrick Murray, Marty West, and Bill Knudsen of Senator ALEXANDER's staff.

I would like to thank Chris Toppings and Natasha Hickman of Senator BURR's staff.

I would like to commend the work of Jessica McNiece and Brent Palmer of Senator MIKULSKI's staff.

Finally, I would like to thank Pam Smith, who is not here but who worked on this for a long time, Derek Miller, Mildred Otero, Mario Cardona, Soncia Coleman, Michael Gamel McCormick, Leanne Hotek, Brit Moller, and Aissa Canchola of my staff.

I also wish to thank, from the staffs of Senator MURRAY, Sarah Bolton; Senator SANDERS, David Cohen; Senator CASEY, Sara Mabry and Christina Baumgardner; Senator HAGAN, Ashley Eden; Senator FRANKEN, Gohar Sedighi and Maggie Henderson; Senator BENNET, Juliana Herman and Molly Fishman; Senator WHITEHOUSE, Rick Van Buren; Senator BALDWIN, Michael Dinapolo; Senator MURPHY, Yoon Hayne; Senator WARREN, Julie Morgan; Senator ENZI, Kristin Chapman; Senator ISAKSON, Brett Layson; Senator PAUL, Natalie Burkholter; Senator HATCH, Katie Neal; Senator ROBERTS, Joshua Yurek; Senator MURKOWSKI, Karen McCarthy; Senator KIRK, Cabe Clurman; and Senator SCOTT, Elizabeth Simmons.

As I said at the beginning of this bill's consideration, this bill represents a strong, positive shift for working families in America who benefit from the childcare subsidy program. I hope my colleagues will join all of us in voting to give this an overwhelming vote of yes on final passage.

I know of no further debate on the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER (Mr. MARKEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—96

Alexander	Franken	Murphy
Ayotte	Gillibrand	Murray
Baldwin	Graham	Nelson
Barrasso	Grassley	Paul
Begich	Hagan	Portman
Bennet	Harkin	Pryor
Blumenthal	Hatch	Reed
Blunt	Heinrich	Reid
Booker	Heitkamp	Risch
Boozman	Heller	Roberts
Boxer	Hirono	Rockefeller
Brown	Hoeven	Rubio
Burr	Isakson	Sanders
Cantwell	Johanns	Schatz
Cardin	Johnson (SD)	Schumer
Carper	Johnson (WI)	Scott
Casey	Kaine	Sessions
Chambliss	King	Shaheen
Coats	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Collins	Landrieu	Tester
Coons	Leahy	Thune
Corker	Levin	Toomey
Cornyn	Manchin	Udall (CO)
Crapo	Markey	Udall (NM)
Cruz	McCain	Vitter
Donnelly	McCaskill	Walsh
Durbin	McConnell	Warner
Enzi	Menendez	Warren
Feinstein	Merkley	Whitehouse
Fischer	Mikulski	Wicker
Flake	Murkowski	Wyden

NAYS—2

Coburn

Lee

NOT VOTING—2

Inhofe

Moran

The bill (S. 1086), as amended, was passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Care and Development Block Grant Act of 2014”.

SEC. 2. SHORT TITLE AND PURPOSES.

Section 658A of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended to read as follows:

“SEC. 658A. SHORT TITLE AND PURPOSES.

“(a) SHORT TITLE.—This subchapter may be cited as the ‘Child Care and Development Block Grant Act of 1990’.

“(b) PURPOSES.—The purposes of this subchapter are—

“(1) to allow each State maximum flexibility in developing child care programs and policies that best suit the needs of children and parents within that State;

“(2) to promote parental choice to empower working parents to make their own decisions regarding the child care that best suits their family's needs;

“(3) to assist States in providing high-quality child care services to parents trying to achieve independence from public assistance;

“(4) to assist States in improving the overall quality of child care services and programs by implementing the health, safety, licensing, training, and oversight standards

established in this subchapter and in State law (including regulations);

“(5) to improve school readiness by having children, families, and child care providers engage in activities, in child care settings, that are developmentally appropriate and age-appropriate for the children and that promote children’s language and literacy and mathematics skills, social and emotional development, physical health and development, and approaches to learning;

“(6) to encourage States to provide consumer education information to help parents make informed choices about child care services and to promote involvement by parents and family members in the education of their children in child care settings;

“(7) to increase the number and percentage of low-income children in high-quality child care settings; and

“(8) to improve the coordination and delivery of early childhood education and care (including child care).”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended by striking “subchapter” and all that follows, and inserting “subchapter, such sums as may be necessary for each of fiscal years 2015 through 2020.”.

SEC. 4. LEAD AGENCY.

(a) DESIGNATION.—Section 658D(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(a)) is amended—

(1) by striking “chief executive officer” and inserting “Governor”; and

(2) by striking “designate” and all that follows and inserting “designate an agency (which may be an appropriate collaborative agency), or establish a joint interagency office, that complies with the requirements of subsection (b) to serve as the lead agency for the State under this subchapter.”.

(b) COLLABORATION WITH TRIBES.—Section 658D(b)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(b)(1)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(E) at the option of an Indian tribe or tribal organization in the State, collaborate and coordinate with such Indian tribe or tribal organization in the development of the State plan.”.

SEC. 5. APPLICATION AND PLAN.

(a) PERIOD.—Section 658E(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(b)) is amended, by striking “2-year” and inserting “3-year”.

(b) POLICIES AND PROCEDURES.—Section 658E(c) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)) is amended—

(1) in paragraph (1), by inserting “or established” after “designated”;;

(2) in paragraph (2)—

(A) in subparagraph (B), by inserting a comma after “care of such providers”;

(B) by striking subparagraphs (D) through (H); and

(C) by adding at the end the following:

“(D) MONITORING AND INSPECTION REPORTS.—The plan shall include a certification that the State, not later than 1 year after the State has in effect the policies and practices described in subparagraph (K)(i), will make public by electronic means, in a consumer-friendly and easily accessible format, organized by provider, the results of monitoring and inspection reports, including those due to major substantiated complaints about failure to comply with this subchapter and State child care policies, as well as the number of deaths, serious injuries, and in-

stances of substantiated child abuse that occurred in child care settings each year, for eligible child care providers within the State. The results shall also include information on the date of such an inspection and, where applicable, information on corrective action taken.

“(E) CONSUMER EDUCATION INFORMATION.—The plan shall include a certification that the State will collect and disseminate (which dissemination may be done, except as otherwise specified in this subparagraph, through resource and referral organizations or other means as determined by the State) to parents of eligible children and the general public—

“(i) information that will promote informed child care choices and that concerns—

“(I) the availability of child care services provided through programs authorized under this subchapter and, if feasible, other child care services and other programs provided in the State for which the family may be eligible;

“(II) if available, information about the quality of providers, including information from a Quality Rating and Improvement System;

“(III) information, made available through a State website, describing the State process for licensing child care providers, the State processes for conducting background checks, and monitoring and inspections, of child care providers, and the offenses that prevent individuals and entities from serving as child care providers in the State;

“(IV) the availability of assistance to obtain child care services;

“(V) other programs for which families that receive child care services for which financial assistance is provided in accordance with this subchapter may be eligible, including the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), Head Start and Early Head Start programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.), the program carried out under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766), and the Medicaid and State children’s health insurance programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.);

“(VI) programs carried out under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.); and

“(VII) research and best practices concerning children’s development, including language and cognitive development, development of early language and literacy and mathematics skills, social and emotional development, meaningful parent and family engagement, and physical health and development (particularly healthy eating and physical activity);

“(ii) information on developmental screenings, including—

“(I) information on existing (as of the date of the submission of the application containing the plan) resources and services the State can deploy, including the coordinated use of the Early and Periodic Screening, Diagnosis, and Treatment program under the Medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)

and developmental screening services available under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), in conducting developmental screenings and providing referrals to services, when appropriate, for children who receive assistance under this subchapter; and

“(II) a description of how a family or eligible child care provider may utilize the resources and services described in subclause (I) to obtain developmental screenings for children who receive assistance under this subchapter who may be at risk for cognitive or other developmental delays, which may include social, emotional, physical, or linguistic delays; and

“(iii) information, for parents receiving assistance under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and low-income parents, about eligibility for assistance provided in accordance with this subchapter.

“(F) COMPLIANCE WITH STATE LICENSING REQUIREMENTS.—

“(i) IN GENERAL.—The plan shall include a certification that the State involved has in effect licensing requirements applicable to child care services provided within the State, and provide a detailed description of such requirements and of how such requirements are effectively enforced.

“(ii) LICENSE EXEMPTION.—If the State uses funding received under this subchapter to support a child care provider that is exempt from the corresponding licensing requirements described in clause (i), the plan shall include a description stating why such licensing exemption does not endanger the health, safety, or development of children who receive services from child care providers who are exempt from such requirements.

“(iii) REQUESTS FOR RELIEF.—As described in section 658I(d), a State may request relief from a provision of Federal law other than this subchapter that might conflict with a requirement of this subchapter, including a licensing requirement.

“(G) TRAINING REQUIREMENTS.—

“(i) IN GENERAL.—The plan shall describe the training requirements that are in effect within the State that are designed to enable child care providers to promote the social, emotional, physical, and cognitive development of children and that are applicable to child care providers that provide services for which assistance is provided in accordance with this subchapter in the State.

“(ii) REQUIREMENTS.—The plan shall provide an assurance that such training requirements—

“(I) provide a set of workforce and competency standards for child care providers that provide services described in clause (i);

“(II) are developed in consultation with the State Advisory Council on Early Childhood Education and Care (designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)));

“(III) include an evidence-based training framework that is designed to promote children’s learning and development and school readiness and to improve child outcomes, including school readiness and early language and literacy development;

“(IV) incorporate knowledge and application of the State’s early learning and developmental guidelines (where applicable), and the State’s child development and health standards; and

“(V) to the extent practicable, are appropriate for a population of children that includes—

“(aa) different age groups (such as infants, toddlers, and preschoolers);

“(bb) English learners;

“(cc) children with disabilities; and

“(dd) Native Americans, including Indians, as the term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) (including Alaska Natives within the meaning of that term), and Native Hawaiians (as defined in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)).

“(iii) PROGRESSION OF PROFESSIONAL DEVELOPMENT.—In developing the requirements, the State shall develop a statewide progression of professional development designed to improve the skills and knowledge of the workforce—

“(I) which may include the acquisition of course credit in postsecondary education or of a credential, aligned with the framework; and

“(II) which shall be accessible to providers supported through Indian tribes or tribal organizations that receive assistance under this subchapter.

“(iv) ALIGNMENT.—The State shall engage the State Advisory Council on Early Childhood Education and Care, and may engage institutions of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), and other training providers in aligning training opportunities with the State’s training framework.

“(v) CREDENTIALS.—The Secretary shall not require an individual or entity that provides child care services for which assistance is provided in accordance with this subchapter to acquire a credential to provide such services. Nothing in this section shall be construed to prohibit a State from requiring a credential.

“(H) CHILD-TO-PROVIDER RATIO STANDARDS.—

“(i) STANDARDS.—The plan shall describe child care standards, for child care for which assistance is made available in accordance with this subchapter, appropriate to the type of child care setting involved, that address—

“(I) group size limits for specific age populations;

“(II) the appropriate ratio between the number of children and the number of providers, in terms of the age of the children in child care, as determined by the State; and

“(III) required qualifications for such providers.

“(ii) CONSTRUCTION.—The Secretary may offer guidance to States on child-to-provider ratios described in clause (i) according to setting and age group but shall not require that States maintain specific child-to-provider ratios for providers who receive assistance under this subchapter.

“(I) HEALTH AND SAFETY REQUIREMENTS.—The plan shall include a certification that there are in effect within the State, under State or local law, requirements designed to protect the health and safety of children that are applicable to child care providers that provide services for which assistance is made available in accordance with this subchapter. Such requirements—

“(i) shall relate to matters including health and safety topics (including prevention of shaken baby syndrome and abusive head trauma) consisting of—

“(I) the prevention and control of infectious diseases (including immunization) and the establishment of a grace period that allows homeless children and children in foster care to receive services under this subchapter while their families (including foster families) are taking any necessary action to comply with immunization and other health and safety requirements;

“(II) handwashing and universal health precautions;

“(III) the administration of medication, consistent with standards for parental consent;

“(IV) the prevention of and response to emergencies due to food and other allergic reactions;

“(V) prevention of sudden infant death syndrome and use of safe sleeping practices;

“(VI) sanitary methods of food handling;

“(VII) building and physical premises safety;

“(VIII) emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event (such as violence at a child care facility), within the meaning of those terms under section 602(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)(1));

“(IX) the handling and storage of hazardous materials and the appropriate disposal of biocontaminants;

“(X) identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;

“(XI) for providers that offer transportation, if applicable, appropriate precautions in transporting children;

“(XII) first aid and cardiopulmonary resuscitation; and

“(XIII) minimum health and safety training, to be completed pre-service or during an orientation period, appropriate to the provider setting involved that addresses each of the requirements relating to matters described in subclauses (I) through (XII); and

“(ii) may include requirements relating to nutrition, access to physical activity, or any other subject area determined by the State to be necessary to promote child development or to protect children’s health and safety.

“(J) COMPLIANCE WITH STATE AND LOCAL HEALTH AND SAFETY REQUIREMENTS.—The plan shall include a certification that procedures are in effect to ensure that child care providers within the State, that provide services for which assistance is made available in accordance with this subchapter, comply with all applicable State and local health and safety requirements as described in subparagraph (I).

“(K) ENFORCEMENT OF LICENSING AND OTHER REGULATORY REQUIREMENTS.—

“(i) CERTIFICATION.—The plan shall include a certification that the State, not later than 2 years after the date of enactment of the Child Care and Development Block Grant Act of 2014, shall have in effect policies and practices, applicable to licensing or regulating child care providers that provide services for which assistance is made available in accordance with this subchapter and the facilities of those providers, that—

“(I) ensure that individuals who are hired as licensing inspectors in the State are qualified to inspect those child care providers and facilities and have received training in related health and safety requirements, child development, child abuse prevention and detection, program management, and relevant law enforcement;

“(II) require licensing inspectors (or qualified inspectors designated by the lead agency) of those child care providers and facilities to perform inspections, with—

“(aa) not less than 1 prelicensure inspection for compliance with health, safety, and fire standards, of each such child care provider and facility in the State; and

“(bb) not less than annually, an inspection (which shall be unannounced) of each such child care provider and facility in the State for compliance with all child care licensing standards, which shall include an inspection for compliance with health, safety, and fire standards (although inspectors may or may

not inspect for compliance with all 3 standards at the same time); and

“(III) require the ratio of licensing inspectors to such child care providers and facilities in the State to—

“(aa) be maintained at a level sufficient to enable the State to conduct inspections of such child care providers and facilities on a timely basis in accordance with Federal and State law; and

“(bb) be consistent with research findings and best practices.

“(ii) CONSTRUCTION.—The Secretary may offer guidance to a State, if requested by the State, on a research-based minimum standard regarding ratios described in clause (i)(III) and provide technical assistance to the State on meeting the minimum standard within a reasonable time period, but shall not prescribe a particular ratio.

“(L) COMPLIANCE WITH CHILD ABUSE REPORTING REQUIREMENTS.—The plan shall include a certification that child care providers within the State will comply with the child abuse reporting requirements of section 106(b)(2)(B)(i) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(2)(B)(i)).

“(M) MEETING THE NEEDS OF CERTAIN POPULATIONS.—The plan shall describe how the State will develop and implement strategies (which may include the provision of compensation at higher payment rates and bonuses to child care providers, the provision of direct contracts or grants to community-based organizations, offering child care certificates to parents, or other means determined by the State) to increase the supply and improve the quality of child care for—

“(i) children in underserved areas;

“(ii) infants and toddlers;

“(iii) children with disabilities, as defined by the State; and

“(iv) children who receive care during non-traditional hours.

“(N) PROTECTION FOR WORKING PARENTS.—

“(i) MINIMUM PERIOD.—

“(I) 12-MONTH PERIOD.—The plan shall demonstrate that each child who receives assistance under this subchapter in the State will be considered to meet all eligibility requirements for such assistance and will receive such assistance, for not less than 12 months before the State redetermines the eligibility of the child under this subchapter, regardless of a temporary change in the ongoing status of the child’s parent as working or attending a job training or educational program or a change in family income for the child’s family, if that family income does not exceed 85 percent of the State median income for a family of the same size.

“(II) FLUCTUATIONS IN EARNINGS.—The plan shall demonstrate how the State’s processes for initial determination and redetermination of such eligibility take into account irregular fluctuations in earnings.

“(ii) REDETERMINATION PROCESS.—The plan shall describe the procedures and policies that are in place to ensure that working parents (especially parents in families receiving assistance under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) are not required to unduly disrupt their employment in order to comply with the State’s requirements for redetermination of eligibility for assistance provided in accordance with this subchapter.

“(iii) PERIOD BEFORE TERMINATION.—At the option of the State, the plan shall demonstrate that the State will not terminate assistance provided to carry out this subchapter based on a factor consisting of a parent’s loss of work or cessation of attendance at a job training or educational program for

which the family was receiving the assistance, without continuing the assistance for a reasonable period of time, of not less than 3 months, after such loss or cessation in order for the parent to engage in a job search and resume work, or resume attendance at a job training or educational program, as soon as possible.

“(iv) GRADUATED PHASEOUT OF CARE.—The plan shall describe the policies and procedures that are in place to allow for provision of continued assistance to carry out this subchapter, at the beginning of a new eligibility period under clause (i)(I), for children of parents who are working or attending a job training or educational program and whose family income exceeds the State’s income limit to initially qualify for such assistance, if the family income for the family involved does not exceed 85 percent of the State median income for a family of the same size.

“(O) COORDINATION WITH OTHER PROGRAMS.—

“(i) IN GENERAL.—The plan shall describe how the State, in order to expand accessibility and continuity of quality early childhood education and care, and assist children enrolled in prekindergarten, Early Head Start, or Head Start programs to receive full-day services, will efficiently coordinate the services supported to carry out this subchapter with—

“(I) programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including the Early Head Start programs carried out under section 645A of that Act (42 U.S.C. 9840a);

“(II) programs carried out under part A of title I, and part B of title IV, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq., 7171 et seq.);

“(III) programs carried out under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

“(IV) the maternal, infant, and early childhood home visiting programs authorized under section 511 of the Social Security Act (42 U.S.C. 711), as added by section 2951 of the Patient Protection and Affordable Care Act (Public Law 111-148);

“(V) State, Indian tribe or tribal organization, and locally funded early childhood education and care programs;

“(VI) programs serving homeless children and services of local educational agency liaisons for homeless children and youths designated under subsection (g)(1)(J)(ii) of section 722 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

“(VII) State agencies and programs serving children in foster care and the foster families of such children; and

“(VIII) other Federal programs supporting early childhood education and care activities, and, where applicable, child care programs funded through State veterans affairs offices.

“(ii) OPTIONAL USE OF COMBINED FUNDS.—If the State elects to combine funding for the services supported to carry out this subchapter with funding for any program described in subclauses (I) through (VII) of clause (i), the plan shall describe how the State will combine the multiple sets of funding and use the combined funding.

“(iii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to affect the priority of children described in clause (i) to receive full-day prekindergarten or Head Start program services.

“(P) PUBLIC-PRIVATE PARTNERSHIPS.—The plan shall demonstrate how the State encourages partnerships among State agencies, other public agencies, Indian tribes and tribal organizations, and private entities to leverage existing service delivery systems (as of the date of the submission of the applica-

tion containing the plan) for early childhood education and care and to increase the supply and quality of child care services for children who are less than 13 years of age, such as by implementing voluntary shared services alliance models.

“(Q) PRIORITY FOR LOW-INCOME POPULATIONS.—The plan shall describe the process the State proposes to use, with respect to investments made to increase access to programs providing high-quality early childhood education and care, to give priority for those investments to children of families in areas that have significant concentrations of poverty and unemployment and that do not have such programs.

“(R) CONSULTATION.—The plan shall include a certification that the State has developed the plan in consultation with the State Advisory Council on Early Childhood Education and Care designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)).

“(S) PAYMENT PRACTICES.—The plan shall include a certification that the payment practices of child care providers in the State that serve children who receive assistance under this subchapter reflect generally accepted payment practices of child care providers in the State that serve children who do not receive assistance under this subchapter, so as to provide stability of funding and encourage more child care providers to serve children who receive assistance under this subchapter.

“(T) EARLY LEARNING AND DEVELOPMENTAL GUIDELINES.—

“(i) IN GENERAL.—The plan shall include an assurance that the State will develop or implement early learning and developmental guidelines that are appropriate for children from birth through entry into kindergarten, describing what such children should know and be able to do, and covering the essential domains of early childhood education and care and early childhood development for use statewide by child care providers. Such child care providers shall—

“(I) be licensed or regulated under State law; and

“(II) not be a relative of all children for whom the provider provides child care services.

“(ii) ALIGNMENT.—The guidelines shall be research-based, developmentally appropriate, and aligned with State standards for education in kindergarten through grade 3.

“(iii) PROHIBITION ON USE OF FUNDS.—The plan shall include an assurance that funds received by the State to carry out this subchapter will not be used to develop or implement an assessment for children that—

“(I) will be the sole basis for a child care provider being determined to be ineligible to participate in the program carried out under this subchapter;

“(II) will be used as the primary or sole basis to provide a reward or sanction for an individual provider;

“(III) will be used as the primary or sole method for assessing program effectiveness; or

“(IV) will be used to deny eligibility to participate in the program carried out under this subchapter.

“(iv) EXCEPTIONS.—Nothing in this subchapter shall preclude the State from using a single assessment (if appropriate) for children for—

“(I) supporting learning or improving a classroom environment;

“(II) targeting professional development to a provider;

“(III) determining the need for health, mental health, disability, developmental delay, or family support services;

“(IV) obtaining information for the quality improvement process at the State level; or

“(V) conducting a program evaluation for the purposes of providing program improvement and parent information.

“(v) NO FEDERAL CONTROL.—Nothing in this section shall be construed to authorize an officer or employee of the Federal Government to—

“(I) mandate, direct, or control a State’s early learning and developmental guidelines, developed in accordance with this section;

“(II) establish any criterion that specifies, defines, or prescribes the standards or measures that a State uses to establish, implement, or improve—

“(aa) early learning and developmental guidelines, or early learning standards, assessments, or accountability systems; or

“(bb) alignment of early learning and developmental guidelines with State standards for education in kindergarten through grade 3; or

“(III) require a State to submit such standards or measures for review.

“(U) DISASTER PREPAREDNESS.—

“(i) IN GENERAL.—The plan shall demonstrate the manner in which the State will address the needs of children in child care services provided through programs authorized under this subchapter, including the need for safe child care, during the period before, during, and after a state of emergency declared by the Governor or a major disaster or emergency (as such terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

“(ii) STATEWIDE CHILD CARE DISASTER PLAN.—Such plan shall include a statewide child care disaster plan for coordination of activities and collaboration, in the event of an emergency or disaster described in clause (i), among the State agency with jurisdiction over human services, the agency with jurisdiction over State emergency planning, the State lead agency, the State agency with jurisdiction over licensing of child care providers, the local resource and referral organizations, the State resource and referral system, and the State Advisory Council on Early Childhood Education and Care as provided for under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)).

“(iii) DISASTER PLAN COMPONENTS.—The components of the disaster plan, for such an emergency or disaster, shall include—

“(I) guidelines for the continuation of child care services in the period following the emergency or disaster, including the provision of emergency and temporary child care services, and temporary operating standards for child care providers during that period;

“(II) evacuation, relocation, shelter-in-place, and lock-down procedures, and procedures for communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions; and

“(III) procedures for staff and volunteer training and practice drills.”.

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “as required under” and inserting “in accordance with”;

(B) in subparagraph (B)—

(i) by striking “The State” and inserting the following:

“(i) IN GENERAL.—The State”;

(ii) by striking “and any other activity that the State deems appropriate to realize any of the goals specified in paragraphs (2) through (5) of section 658A(b)” and inserting “activities that improve access to child care services, including use of procedures to permit immediate enrollment (after the initial eligibility determination and after a child is

determined to be eligible) of homeless children while required documentation is obtained, training and technical assistance on identifying and serving homeless children and their families, and specific outreach to homeless families, and any other activity that the State determines to be appropriate to meet the purposes of this subchapter (which may include an activity described in clause (ii))"; and

(iii) by adding at the end the following:

"(ii) REPORT BY ASSISTANT SECRETARY FOR CHILDREN AND FAMILIES.—

"(I) IN GENERAL.—Not later than September 30 of the first full fiscal year after the date of enactment of the Child Care and Development Block Grant Act of 2014, and September 30 of each fiscal year thereafter, the Secretary (acting through the Assistant Secretary for Children and Families of the Department of Health and Human Services) shall prepare a report that contains a determination about whether each State uses amounts provided to such State for the fiscal year involved under this subchapter in accordance with the priority for services described in clause (i).

"(II) PENALTY FOR NONCOMPLIANCE.—For any fiscal year that the report of the Secretary described in subclause (I) indicates that a State has failed to give priority for services in accordance with clause (i), the Secretary shall—

"(aa) inform the State that the State has until the date that is 6 months after the Secretary has issued such report to fully comply with clause (i);

"(bb) provide the State an opportunity to modify the State plan of such State, to make the plan consistent with the requirements of clause (i), and resubmit such State plan to the Secretary not later than the date described in item (aa); and

"(cc) if the State does not fully comply with clause (i) and item (bb), by the date described in item (aa), withhold 5 percent of the funds that would otherwise be allocated to that State in accordance with this subchapter for the first full fiscal year after that date.

"(III) WAIVER FOR EXTRAORDINARY CIRCUMSTANCES.—Notwithstanding subclause (II) the Secretary may grant a waiver to a State for one year to the penalty applied in subclause (II) if the Secretary determines there are extraordinary circumstances, such as a natural disaster, that prevent the State from complying with clause (i). If the Secretary does grant a waiver to a State under this section, the Secretary shall, within 30 days of granting such waiver, submit a report to the appropriate congressional committees on the circumstances of the waiver including the stated reason from the State on the need for a waiver, the expected impact of the waiver on children served under this program, and any such other relevant information the Secretary deems necessary.

"(iii) CHILD CARE RESOURCE AND REFERRAL SYSTEM.—

"(I) IN GENERAL.—A State may use amounts described in clause (i) to establish or support a system of local or regional child care resource and referral organizations that is coordinated, to the extent determined appropriate by the State, by a statewide public or private nonprofit, community-based or regionally based, lead child care resource and referral organization.

"(II) LOCAL OR REGIONAL ORGANIZATIONS.—The local or regional child care resource and referral organizations supported as described in subclause (I) shall—

"(aa) provide parents in the State with consumer education information referred to in paragraph (2)(E) (except as otherwise provided in that paragraph), concerning the full range of child care options, analyzed by pro-

vider, including child care provided during nontraditional hours and through emergency child care centers, in their political subdivisions or regions;

"(bb) to the extent practicable, work directly with families who receive assistance under this subchapter to offer the families support and assistance, using information described in item (aa), to make an informed decision about which child care providers they will use, in an effort to ensure that the families are enrolling their children in high-quality care;

"(cc) collect and analyze data on the coordination of services and supports, including services under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), for children with disabilities (as defined in section 602 of such Act (20 U.S.C. 1401));

"(dd) collect and analyze data on the supply of and demand for child care in political subdivisions or regions within the State and submit such data and analysis to the State;

"(ee) work to establish partnerships with public agencies and private entities to increase the supply and quality of child care services in the State; and

"(ff) as appropriate, coordinate their activities with the activities of the State lead agency and local agencies that administer funds made available in accordance with this subchapter.";

(C) in subparagraph (D)—

(i) by striking "1997 through 2002" and inserting "2015 through 2020"; and

(ii) by striking "families described in paragraph (2)(H)" and inserting "families with children described in clause (i), (ii), (iii), or (iv) of paragraph (2)(M)"; and

(D) by adding at the end the following:

"(E) DIRECT SERVICES.—From amounts provided to a State for a fiscal year to carry out this subchapter, the State shall—

"(i) reserve the minimum amount required to be reserved under section 658G, and the funds for costs described in subparagraph (C); and

"(ii) from the remainder, use not less than 70 percent to fund direct services (provided by the State) in accordance with paragraph (2)(A).";

(4) by striking paragraph (4) and inserting the following:

"(4) PAYMENT RATES.—

"(A) IN GENERAL.—The State plan shall certify that payment rates for the provision of child care services for which assistance is provided in accordance with this subchapter are sufficient to ensure equal access for eligible children to child care services that are comparable to child care services in the State or substate area involved that are provided to children whose parents are not eligible to receive assistance under this subchapter or to receive child care assistance under any other Federal or State program and shall provide a summary of the facts relied on by the State to determine that such rates are sufficient to ensure such access.

"(B) SURVEY.—The State plan shall—

"(i) demonstrate that the State has, after consulting with the State Advisory Council on Early Childhood Education and Care designated or established in section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)), local child care program administrators, local child care resource and referral agencies, and other appropriate entities, developed and conducted (not earlier than 2 years before the date of the submission of the application containing the State plan) a statistically valid and reliable survey of the market rates for child care services in the State (that reflects variations in the cost of child care services by geographic area, type of provider, and age of child);

"(ii) demonstrate that the State prepared a detailed report containing the results of the State market rates survey conducted pursuant to clause (i), and made the results of the survey widely available (not later than 30 days after the completion of such survey) through periodic means, including posting the results on the Internet;

"(iii) describe how the State will set payment rates for child care services, for which assistance is provided in accordance with this subchapter—

"(I) in accordance with the results of the market rates survey conducted pursuant to clause (i);

"(II) taking into consideration the cost of providing higher quality child care services than were provided under this subchapter before the date of enactment of the Child Care and Development Block Grant Act of 2014; and

"(III) without, to the extent practicable, reducing the number of families in the State receiving such assistance to carry out this subchapter, relative to the number of such families on the date of enactment of that Act; and

"(iv) describe how the State will provide for timely payment for child care services provided in accordance with this subchapter.

"(C) CONSTRUCTION.—

"(i) NO PRIVATE RIGHT OF ACTION.—Nothing in this paragraph shall be construed to create a private right of action.

"(ii) NO PROHIBITION OF CERTAIN DIFFERENT RATES.—Nothing in this subchapter shall be construed to prevent a State from differentiating the payment rates described in subparagraph (B)(iii) on the basis of such factors as—

"(I) geographic location of child care providers (such as location in an urban or rural area);

"(II) the age or particular needs of children (such as the needs of children with disabilities and children served by child protective services);

"(III) whether the providers provide child care during weekend and other nontraditional hours; or

"(IV) the State's determination that such differentiated payment rates are needed to enable a parent to choose child care that is of high quality."; and

(5) in paragraph (5), by inserting "(that is not a barrier to families receiving assistance under this subchapter)" after "cost sharing".

(c) TECHNICAL AMENDMENT.—Section 658F(b)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858d(b)(2)) is amended by striking "section 658E(c)(2)(F)" and inserting "section 658E(c)(2)(I)".

SEC. 6. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

"SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

"(a) RESERVATION.—

"(1) RESERVATION FOR ACTIVITIES RELATING TO THE QUALITY OF CHILD CARE SERVICES.—A State that receives funds to carry out this subchapter for a fiscal year referred to in paragraph (2) shall reserve and use a portion of such funds, in accordance with paragraph (2), for activities provided directly, or through grants or contracts with local child care resource and referral organizations or other appropriate entities, that are designed to improve the quality of child care services and increase parental options for, and access to, high-quality child care, provided in accordance with this subchapter.

"(2) AMOUNT OF RESERVATIONS.—Such State shall reserve and use—

“(A) to carry out the activities described in paragraph (1), not less than—

“(i) 6 percent of the funds described in paragraph (1), for the first and second full fiscal years after the date of enactment of the Child Care and Development Block Grant Act of 2014;

“(ii) 8 percent of such funds, for the third and fourth full fiscal years after the date of enactment; and

“(iii) 10 percent of such funds, for the fifth full fiscal year after the date of enactment and each succeeding fiscal year; and

“(B) in addition to the funds reserved under subparagraph (A), 3 percent of the funds described in paragraph (1), for the first full fiscal year after the date of enactment and each succeeding fiscal year, to carry out the activities described in paragraph (1) and subsection (b)(4), as such activities relate to the quality of care for infants and toddlers.

“(b) ACTIVITIES.—Funds reserved under subsection (a) shall be used to carry out not fewer than 2 of the following activities:

“(1) Supporting the training, professional development, and professional advancement of the child care workforce through activities such as—

“(A) offering child care providers training and professional development that is intentional and sequential and leads to a higher level of skill or certification;

“(B) establishing or supporting programs designed to increase the retention and improve the competencies of child care providers, including wage incentive programs and initiatives that establish tiered payment rates for providers that meet or exceed child care services guidelines, as defined by the State;

“(C) offering training, professional development, and educational opportunities for child care providers that relate to the use of developmentally appropriate and age-appropriate curricula, and early childhood teaching strategies, that are scientifically based and aligned with the social, emotional, physical, and cognitive development of children, including offering specialized training for child care providers who care for infants and toddlers, children who are English learners, and children with disabilities (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401));

“(D) providing training concerning the State early learning and developmental guidelines, where applicable, including training concerning early mathematics and early language and literacy development and effective instructional practices to support mathematics and language and literacy development in young children;

“(E) incorporating effective use of data to guide instruction and program improvement;

“(F) including effective behavior management strategies and training, including positive behavioral interventions and supports, that promote positive social and emotional development and reduce challenge behaviors;

“(G) at the option of the State, incorporating feedback from experts at the State's institutions of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), and other early childhood development experts and early childhood education and care experts;

“(H) providing training corresponding to the nutritional and physical activity needs of children to promote healthy development;

“(I) providing training or professional development for child care providers to serve and support children with disabilities;

“(J) providing training and outreach on engaging parents and families in culturally and linguistically appropriate ways to expand their knowledge, skills, and capacity to become meaningful partners in supporting their children's learning and development;

“(K) providing training or professional development for child care providers regarding the early neurological development of children; and

“(L) connecting child care staff members of child care providers with available Federal and State financial aid, or other resources, that would assist child care staff members in pursuing relevant postsecondary training.

“(2) Supporting the use of the early learning and developmental guidelines described in section 658E(c)(2)(T) by—

“(A) developing and implementing the State's early learning and developmental guidelines; and

“(B) providing technical assistance to enhance early learning for preschool and school-aged children in order to promote language and literacy skills, foster school readiness, and support later school success.

“(3) Developing and implementing a tiered quality rating system for child care providers, which shall—

“(A) support and assess the quality of child care providers in the State;

“(B) build on licensing standards and other State regulatory standards for such providers;

“(C) be designed to improve the quality of different types of child care providers;

“(D) describe the quality of early learning facilities;

“(E) build the capacity of State early childhood education and care programs and communities to promote parents' and families' understanding of the State's early childhood education and care system and the ratings of the programs in which the child is enrolled; and

“(F) provide, to the maximum extent practicable, financial incentives and other supports designed to help child care providers achieve and sustain higher levels of quality.

“(4) Improving the supply and quality of child care programs and services for infants and toddlers through activities, which may include—

“(A) establishing or expanding neighborhood-based high-quality comprehensive family and child development centers, which may serve as resources to child care providers in order to improve the quality of early childhood education and care and early childhood development services provided to infants and toddlers from low-income families and to help eligible child care providers improve their capacity to offer high-quality care to infants and toddlers from low-income families;

“(B) establishing or expanding the operation of community or neighborhood-based family child care networks;

“(C) supporting statewide networks of infant and toddler child care specialists, including specialists who have knowledge regarding infant and toddler development and curriculum and program implementation as well as the ability to coordinate services with early intervention specialists who provide services for infants and toddlers with disabilities under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);

“(D) carrying out initiatives to improve the quality of the infant and toddler child care workforce, such as providing relevant training, professional development, or mentoring opportunities and linking such opportunities to career pathways, developing career pathways for providers in such workforce, and improving the State credentialing of eligible providers caring for infants and toddlers;

“(E) if applicable, developing infant and toddler components within the State's quality rating system described in paragraph (3) for child care providers for infants and tod-

dlers, or the development of infant and toddler components in a State's child care licensing regulations or early learning and developmental guidelines;

“(F) improving the ability of parents to access information about high-quality infant and toddler care; and

“(G) carrying out other activities determined by the State to improve the quality of infant and toddler care provided in the State, and for which there is evidence that the activities will lead to improved infant and toddler health and safety, infant and toddler development, or infant and toddler well-being, including providing training (including training in safe sleep practices, first aid, and cardiopulmonary resuscitation).

“(5) Promoting broad child care provider participation in the quality rating system described in paragraph (3).

“(6) Establishing or expanding a statewide system of child care resource and referral services.

“(7) Facilitating compliance with State requirements for inspection, monitoring, training, and health and safety, and with State licensing standards.

“(8) Evaluating and assessing the quality and effectiveness of child care programs and services offered in the State, including evaluating how such programs and services may improve the overall school readiness of young children.

“(9) Supporting child care providers in the pursuit of accreditation by an established national accrediting body with demonstrated, valid, and reliable program standards of high quality.

“(10) Supporting State or local efforts to develop or adopt high-quality program standards relating to health, mental health, nutrition, physical activity, and physical development and providing resources to enable eligible child care providers to meet, exceed, or sustain success in meeting or exceeding, such standards.

“(11) Carrying out other activities determined by the State to improve the quality of child care services provided in the State, and for which measurement of outcomes relating to improved provider preparedness, child safety, child well-being, or school readiness is possible.

“(c) CERTIFICATION.—Beginning with fiscal year 2015, at the beginning of each fiscal year, the State shall annually submit to the Secretary a certification containing an assurance that the State was in compliance with subsection (a) during the preceding fiscal year and a description of how the State used funds received under this subchapter to comply with subsection (a) during that preceding fiscal year.

“(d) REPORTING REQUIREMENTS.—Each State receiving funds under this subchapter shall prepare and submit an annual report to the Secretary, which shall include information about—

“(1) the amount of funds that are reserved under subsection (a);

“(2) the activities carried out under this section; and

“(3) the measures that the State will use to evaluate the State's progress in improving the quality of child care programs and services in the State.

“(e) TECHNICAL ASSISTANCE.—The Secretary shall offer technical assistance, in accordance with section 658I(a)(3), which may include technical assistance through the use of grants or cooperative agreements, to States for the activities described in subsection (b).

“(f) CONSTRUCTION.—Nothing in this section shall be construed as providing the Secretary the authority to regulate, direct, or dictate State child care quality activities or progress in implementing those activities.”.

SEC. 7. CRIMINAL BACKGROUND CHECKS.

The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

“SEC. 658H. CRIMINAL BACKGROUND CHECKS.

“(a) IN GENERAL.—A State that receives funds to carry out this subchapter shall have in effect—

“(1) requirements, policies, and procedures to require and conduct criminal background checks for child care staff members (including prospective child care staff members) of child care providers described in subsection (c)(1); and

“(2) licensing, regulation, and registration requirements, as applicable, that prohibit the employment of child care staff members as described in subsection (c).

“(b) REQUIREMENTS.—A criminal background check for a child care staff member under subsection (a) shall include—

“(1) a search of each State criminal and sex offender registry or repository in the State where the child care staff member resides and each State where such staff member resided during the preceding 10 years;

“(2) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides and each State where such staff member resided during the preceding 10 years;

“(3) a search of the National Crime Information Center;

“(4) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(5) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).

“(c) PROHIBITIONS.—

“(1) CHILD CARE STAFF MEMBERS.—A child care staff member shall be ineligible for employment by a child care provider that is licensed, regulated, or registered by the State or for which assistance is provided in accordance with this subchapter, if such individual—

“(A) refuses to consent to the criminal background check described in subsection (b);

“(B) knowingly makes a materially false statement in connection with such criminal background check;

“(C) is registered, or is required to be registered, on a State sex offender registry or repository or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(D) has been convicted of a felony consisting of—

“(i) murder, as described in section 1111 of title 18, United States Code;

“(ii) child abuse or neglect;

“(iii) a crime against children, including child pornography;

“(iv) spousal abuse;

“(v) a crime involving rape or sexual assault;

“(vi) kidnapping;

“(vii) arson;

“(viii) physical assault or battery; or

“(ix) subject to subsection (e)(4), a drug-related offense committed during the preceding 5 years; or

“(E) has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or of a misdemeanor involving child pornography.

“(2) CHILD CARE PROVIDERS.—A child care provider described in paragraph (1) shall be ineligible for assistance provided in accord-

ance with this subchapter if the provider employs a staff member who is ineligible for employment under paragraph (1).

“(d) SUBMISSION OF REQUESTS FOR BACKGROUND CHECKS.—

“(1) IN GENERAL.—A child care provider covered by subsection (c) shall submit a request, to the appropriate State agency designated by a State, for a criminal background check described in subsection (b), for each child care staff member (including prospective child care staff members) of the provider.

“(2) STAFF MEMBERS.—Subject to paragraph (4), in the case of an individual who became a child care staff member before the date of enactment of the Child Care and Development Block Grant Act of 2014, the provider shall submit such a request—

“(A) prior to the last day described in subsection (i)(1); and

“(B) not less often than once during each 5-year period following the first submission date under this paragraph for that staff member.

“(3) PROSPECTIVE STAFF MEMBERS.—Subject to paragraph (4), in the case of an individual who is a prospective child care staff member on or after that date of enactment, the provider shall submit such a request—

“(A) prior to the date the individual becomes a child care staff member of the provider; and

“(B) not less often than once during each 5-year period following the first submission date under this paragraph for that staff member.

“(4) BACKGROUND CHECK FOR ANOTHER CHILD CARE PROVIDER.—A child care provider shall not be required to submit a request under paragraph (2) or (3) for a child care staff member if—

“(A) the staff member received a background check described in subsection (b)—

“(i) within 5 years before the latest date on which such a submission may be made; and

“(ii) while employed by or seeking employment by another child care provider within the State;

“(B) the State provided to the first provider a qualifying background check result, consistent with this subchapter, for the staff member; and

“(C) the staff member is employed by a child care provider within the State, or has been separated from employment from a child care provider within the State for a period of not more than 180 consecutive days.

“(e) BACKGROUND CHECK RESULTS AND APPEALS.—

“(1) BACKGROUND CHECK RESULTS.—The State shall carry out the request of a child care provider for a criminal background check as expeditiously as possible, but in not to exceed 45 days after the date on which such request was submitted, and shall provide the results of the criminal background check to such provider and to the current or prospective staff member.

“(2) PRIVACY.—

“(A) IN GENERAL.—The State shall provide the results of the criminal background check to the provider in a statement that indicates whether a child care staff member (including a prospective child care staff member) is eligible or ineligible for employment described in subsection (c), without revealing any disqualifying crime or other related information regarding the individual.

“(B) INELIGIBLE STAFF MEMBER.—If the child care staff member is ineligible for such employment due to the background check, the State will, when providing the results of the background check, include information related to each disqualifying crime, in a report to the staff member or prospective staff member.

“(C) PUBLIC RELEASE OF RESULTS.—No State shall publicly release or share the results of individual background checks, however, such results of background checks may be included in the development or dissemination of local or statewide data related to background checks, if such results are not individually identifiable.

“(3) APPEALS.—

“(A) IN GENERAL.—The State shall provide for a process by which a child care staff member (including a prospective child care staff member) may appeal the results of a criminal background check conducted under this section to challenge the accuracy or completeness of the information contained in such member's criminal background report.

“(B) APPEALS PROCESS.—The State shall ensure that—

“(i) each child care staff member shall be given notice of the opportunity to appeal;

“(ii) a child care staff member will receive instructions about how to complete the appeals process if the child care staff member wishes to challenge the accuracy or completeness of the information contained in such member's criminal background report; and

“(iii) the appeals process is completed in a timely manner for each child care staff member.

“(4) REVIEW.—The State may allow for a review process through which the State may determine that a child care staff member (including a prospective child care staff member) disqualified for a crime specified in subsection (c)(1)(D)(ix) is eligible for employment described in subsection (c)(1), notwithstanding subsection (c). The review process shall be consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

“(5) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create a private right of action if the provider is in compliance with State regulations and requirements.

“(f) FEES FOR BACKGROUND CHECKS.—Fees that a State may charge for the costs of processing applications and administering a criminal background check as required by this section shall not exceed the actual costs to the State for the processing and administration.

“(g) CONSTRUCTION.—

“(1) DISQUALIFICATION FOR OTHER CRIMES.—Nothing in this section shall be construed to prevent a State from disqualifying individuals as child care staff members based on their conviction for crimes not specifically listed in this section that bear upon the fitness of an individual to provide care for and have responsibility for the safety and well-being of children.

“(2) RIGHTS AND REMEDIES.—Nothing in this section shall be construed to alter or otherwise affect the rights and remedies provided for child care staff members residing in a State that disqualifies individuals as child care staff members for crimes not specifically provided for under this section.

“(h) DEFINITIONS.—In this section—

“(1) the term ‘child care provider’ means a center-based child care provider, a family child care provider, or another provider of child care services for compensation and on a regular basis that—

“(A) is not an individual who is related to all children for whom child care services are provided; and

“(B) is licensed, regulated, or registered under State law or receives assistance provided in accordance with this subchapter; and

“(2) the term ‘child care staff member’ means an individual (other than an individual who is related to all children for whom child care services are provided)—

“(A) who is employed by a child care provider for compensation;

“(B) whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or

“(C) who is a family child care provider.

“(i) EFFECTIVE DATE.—

“(1) IN GENERAL.—A State that receives funds under this subchapter shall meet the requirements of this section for the provision of criminal background checks for child care staff members described in subsection (d)(1) not later than the last day of the second full fiscal year after the date of enactment of the Child Care and Development Block Grant Act of 2014.

“(2) EXTENSION.—The Secretary may grant a State an extension of time, of not more than 1 fiscal year, to meet the requirements of this section if the State demonstrates a good faith effort to comply with the requirements of this section.

“(3) PENALTY FOR NONCOMPLIANCE.—Except as provided in paragraphs (1) and (2), for any fiscal year that a State fails to comply substantially with the requirements of this section, the Secretary shall withhold 5 percent of the funds that would otherwise be allocated to that State in accordance with this subchapter for the following fiscal year.”.

SEC. 8. REPORTS AND INFORMATION.

(a) ADMINISTRATION.—Section 658I of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by inserting a comma after “publish”;

and

(ii) by striking “and” at the end;

(B) by striking paragraph (3) and inserting the following:

“(3) provide technical assistance to States (which may include providing assistance on a reimbursable basis), consistent with (as appropriate) scientifically valid research, to carry out this subchapter.”; and

(C) by adding at the end the following:

“(4) disseminate, for voluntary informational purposes, information on practices that scientifically valid research indicates are most successful in improving the quality of programs that receive assistance with this subchapter;

“(5) after consultation with the Secretary of Education and the heads of any other Federal agencies involved, issue guidance, and disseminate information on best practices, regarding use of funding combined by States as described in section 658E(c)(2)(O)(ii), consistent with law other than this subchapter.”; and

(2) by adding at the end the following:

“(c) PROHIBITION.—Nothing in this subchapter shall be construed as providing the Secretary the authority to permit States to alter the eligibility requirements for eligible children, including work requirements that apply to the parents of eligible children.”.

(b) REQUESTS FOR RELIEF.—Section 658I of the Child Care and Development Block Grant Act of 1990, as amended by subsection (a), is further amended by adding at the end the following:

“(d) REQUEST FOR RELIEF.—

“(1) IN GENERAL.—The State may submit to the Secretary a request for relief from any provision of Federal law (including a regulation, policy, or procedure) affecting the delivery of child care services with Federal funds, other than this subchapter, that conflicts with a requirement of this subchapter.

“(2) CONTENTS.—Such request shall—

“(A) detail the provision of Federal law that conflicts with that requirement;

“(B) describe how modifying compliance with that provision of Federal law to meet

the requirements of this subchapter will, by itself, improve delivery of child care services for children in the State; and

“(C) certify that the health, safety, and well-being of children served through assistance received under this subchapter will not be compromised as a result.

“(3) CONSULTATION.—The Secretary shall consult with the State submitting the request and the head of each Federal agency (other than the Secretary) with responsibility for administering the Federal law detailed in the State’s request. The consulting parties shall jointly identify—

“(A) any provision of Federal law (including a regulation, policy, or procedure) for which a waiver is necessary to enable the State to provide services in accordance with the request; and

“(B) any corresponding waiver.

“(4) WAIVERS.—Notwithstanding any other provision of law, and after the joint identification described in paragraph (3), the head of the Federal agency involved shall have the authority to waive any statutory provision administered by that agency, or any regulation, policy, or procedure issued by that agency, that has been so identified, unless the head of the Federal agency determines that such a waiver is inconsistent with the objectives of this subchapter or the Federal law from which relief is sought.

“(5) APPROVAL.—Within 90 days after the receipt of a State’s request under this subsection, the Secretary shall inform the State of the Secretary’s approval or disapproval of the request. If the plan is disapproved, the Secretary shall inform the State, in writing, of the reasons for the disapproval and give the State the opportunity to amend the request.

“(6) DURATION.—The Secretary may approve a request under this subsection for a period of not more than 3 years, and may renew the approval for additional periods of not more than 3 years.

“(7) TERMINATION.—The Secretary shall terminate approval of a request for relief authorized under this subsection if the Secretary determines, after notice and opportunity for a hearing, that the performance of a State granted relief under this subsection has been inadequate, or if such relief is no longer necessary to achieve its original purposes.”.

(c) REPORTS.—Section 658K(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (ix), by striking “and” at the end;

(B) in clause (x), by inserting “and” at the end; and

(C) by inserting after clause (x), the following:

“(xi) whether the children receiving assistance under this subchapter are homeless children.”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “1997” and inserting “2014”; and

(B) in subparagraph (A), by striking “section 658P(5)” and inserting “section 658P(6)”.

(d) REPORT BY SECRETARY.—Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 658L. REPORTS, HOTLINE, AND WEB SITE.”;

(2) by striking “Not later” and inserting the following:

“(a) REPORT BY SECRETARY.—Not later”;

(3) by striking “1998” and inserting “2016”; and

(4) by striking “to the Committee” and all that follows through “of the Senate” and in-

serting “to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate”;

and

(5) by adding at the end the following:

“(b) NATIONAL TOLL-FREE HOTLINE AND WEB SITE.—

“(1) IN GENERAL.—The Secretary shall operate a national toll-free hotline and Web site, to—

“(A) develop and disseminate publicly available child care consumer education information for parents and help parents access safe, affordable, and quality child care in their community; and

“(B) to allow persons to report (anonymously if desired) suspected child abuse or neglect, or violations of health and safety requirements, by an eligible child care provider that receives assistance under this subchapter.

“(2) REQUIREMENTS.—The Secretary shall ensure that the hotline and Web site meet the following requirements:

“(A) REFERRAL TO LOCAL CHILD CARE PROVIDERS.—The Web site shall be hosted by ‘childcare.gov’. The Web site shall enable a child care consumer to enter a zip code and obtain a referral to local child care providers described in subparagraph (B) within a specified search radius.

“(B) INFORMATION.—The Web site shall provide to consumers, directly or through linkages to State databases, at a minimum—

“(i) a localized list of all State licensed child care providers;

“(ii) any provider-specific information from a Quality Rating and Improvement System or information about other quality indicators, to the extent the information is publicly available and to the extent practicable;

“(iii) any other provider-specific information about compliance with licensing, and health and safety, requirements to the extent the information is publicly available and to the extent practicable;

“(iv) referrals to local resource and referral organizations from which consumers can find more information about child care providers, and a recommendation that consumers consult with the organizations when selecting a child care provider; and

“(v) State information about child care subsidy programs and other financial supports available to families.

“(C) NATIONWIDE CAPACITY.—The Web site and hotline shall have the capacity to help families in every State and community in the Nation.

“(D) INFORMATION AT ALL HOURS.—The Web site shall provide, to parents and families, access to information about child care 24 hours a day.

“(E) SERVICES IN DIFFERENT LANGUAGES.—The Web site and hotline shall ensure the widest possible access to services for families who speak languages other than English.

“(F) HIGH-QUALITY CONSUMER EDUCATION AND REFERRAL.—The Web site and hotline shall ensure that families have access to child care consumer education and referral services that are consistent and of high quality.

“(3) PROHIBITION.—Nothing in this subsection shall be construed to allow the Secretary to compel States to provide additional data and information that is currently (as of the date of enactment of the Child Care and Development Block Grant Act of 2014) not publicly available, or is not required by this subchapter.”.

(e) PROTECTION OF INFORMATION.—Section 658K(a)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)(1)) is amended by adding at the end the following:

“(E) PROHIBITION.—Reports submitted to the Secretary under subparagraph (C) shall not contain individually identifiable information.”.

SEC. 9. RESERVATION FOR TOLL-FREE HOTLINE AND WEB SITE; PAYMENTS TO BENEFIT INDIAN CHILDREN.

Section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) is amended—

(1) in subsection (a)—
(A) in paragraph (2)—
(i) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”;

(ii) by striking “1 percent, and not more than 2 percent,” and inserting “2 percent”;

and
(iii) by adding at the end the following:

“(B) LIMITATIONS.—Notwithstanding subparagraph (A), the Secretary shall only reserve an amount that is greater than 2 percent of the amount appropriated under section 658B, for payments described in subparagraph (A), for a fiscal year (referred to in this subparagraph as the ‘reservation year’) if—

“(i) the amount appropriated under section 658B for the reservation year is greater than the amount appropriated under section 658B for fiscal year 2014; and

“(ii) the Secretary ensures that the amount allotted to States under subsection (b) for the reservation year is not less than the amount allotted to States under subsection (b) for fiscal year 2014.”; and

(B) by adding at the end the following:

“(3) NATIONAL TOLL-FREE HOTLINE AND WEB SITE.—The Secretary shall reserve not less than \$1,000,000 of the amount appropriated under this subchapter for each fiscal year for the operation of a national toll-free hotline and Web site, under section 658L(b).”; and

(2) in subsection (c)—

(A) in paragraph (2), by adding at the end the following:

“(D) LICENSING AND STANDARDS.—In lieu of any licensing and regulatory requirements applicable under State or local law, the Secretary, in consultation with Indian tribes and tribal organizations, shall develop minimum child care standards that shall be applicable to Indian tribes and tribal organizations receiving assistance under this subchapter. Such standards shall appropriately reflect Indian tribe and tribal organization needs and available resources, and shall include standards requiring a publicly available application, health and safety standards, and standards requiring a reservation of funds for activities to improve the quality of child care provided to Indian children.”; and

(B) in paragraph (6), by striking subparagraph (C) and inserting the following:

“(C) LIMITATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may not permit an Indian tribe or tribal organization to use amounts provided under this subsection for construction or renovation if the use will result in a decrease in the level of child care services provided by the Indian tribe or tribal organization as compared to the level of child care services provided by the Indian tribe or tribal organization in the fiscal year preceding the year for which the determination under subparagraph (B) is being made.

“(ii) WAIVER.—The Secretary shall waive the limitation described in clause (i) if—

“(I) the Secretary determines that the decrease in the level of child care services provided by the Indian tribe or tribal organization is temporary; and

“(II) the Indian tribe or tribal organization submits to the Secretary a plan that demonstrates that after the date on which the construction or renovation is completed—

“(aa) the level of child care services will increase; or

“(bb) the quality of child care services will improve.”.

SEC. 10. DEFINITIONS.

Section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) is amended—

(1) by striking paragraph (4) and inserting the following:

“(3) CHILD WITH A DISABILITY.—The term ‘child with a disability’ means—

“(A) a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401);

“(B) a child who is eligible for early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);

“(C) a child who is less than 13 years of age and who is eligible for services under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

“(D) a child with a disability, as defined by the State involved.

“(4) ELIGIBLE CHILD.—The term ‘eligible child’ means an individual—

“(A) who is less than 13 years of age;

“(B) whose family income does not exceed 85 percent of the State median income for a family of the same size, and whose family assets do not exceed \$1,000,000 (as certified by a member of such family); and

“(C) who—

“(i) resides with a parent or parents who are working or attending a job training or educational program; or

“(ii) is receiving, or needs to receive, protective services and resides with a parent or parents not described in clause (i).”;

(2) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively;

(3) by inserting after paragraph (4), the following:

“(5) ENGLISH LEARNER.—The term ‘English learner’ means an individual who is limited English proficient, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 637 of the Head Start Act (42 U.S.C. 9832).”; and

(4) in paragraph (6)(A), as redesignated by paragraph (2)—

(A) in clause (i), by striking “section 658E(c)(2)(E)” and inserting “section 658E(c)(2)(F)”; and

(B) in clause (ii), by striking “section 658E(c)(2)(F)” and inserting “section 658E(c)(2)(I)”; and

(5) in paragraph (9), as redesignated by paragraph (2), by striking “designated” and all that follows and inserting “designated or established under section 658D(a).”;

(6) in paragraph (10), as redesignated by paragraph (2), by inserting “, foster parent,” after “guardian”;

(7) by redesignating paragraphs (11) through (14) as paragraphs (12) through (15), respectively; and

(8) by inserting after paragraph (10), as redesignated by paragraph (2), the following:

“(11) SCIENTIFICALLY VALID RESEARCH.—The term ‘scientifically valid research’ includes applied research, basic research, and field-initiated research, for which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.”.

SEC. 10A. PARENTAL RIGHTS AND RESPONSIBILITIES.

Section 658Q of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858o) is amended—

(1) by inserting before “Nothing” the following:

“(a) IN GENERAL.—”; and

(2) by adding at the end the following:

“(b) PARENTAL RIGHTS TO USE CHILD CARE CERTIFICATES.—Nothing in this subchapter shall be construed in a manner—

“(1) to favor or promote the use of grants and contracts for the receipt of child care services under this subchapter over the use of child care certificates; or

“(2) to disfavor or discourage the use of such certificates for the purchase of child care services, including those services provided by private or nonprofit entities, such as faith-based providers.”.

SEC. 11. STUDIES ON WAITING LISTS.

(a) STUDY.—The Comptroller General of the United States shall conduct studies to determine, for each State, the number of families that—

(1) are eligible to receive assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(2) have applied for the assistance; and

(3) have been placed on a waiting list for the assistance.

(b) REPORT.—The Comptroller General shall prepare a report containing the results of each study and shall submit the report to the appropriate committees of Congress—

(1) not later than 2 years after the date of enactment of this Act; and

(2) every 2 years thereafter.

(c) DEFINITION.—In this section, the term “State” has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

SEC. 12. CONFORMING AMENDMENT.

Section 319C-1(b)(2)(A)(vii) of the Public Health Service Act (42 U.S.C. 247d-3a(b)(2)(A)(vii)) is amended by inserting “or established” after “designated”.

SEC. 13. REVIEW OF FEDERAL EARLY LEARNING AND CARE PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in conjunction with the Secretary of Education, shall conduct an interdepartmental review of all early learning and care programs in order to—

(1) develop a plan for the elimination of duplicative and overlapping programs, as identified by the Government Accountability Office’s 2012 annual report (GAO-12-342SP); and

(2) make recommendations to Congress for streamlining all such programs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Education and the heads of all Federal agencies that administer Federal early learning and care programs, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, a detailed report that outlines the efficiencies that can be achieved by, as well as specific recommendations for, eliminating duplication, overlap, and fragmentation among all Federal early learning and care programs.

SEC. 14. SAFE CHILD CARE ACT.

(a) SHORT TITLE.—This section may be cited as the “Safe Child Care Act of 2014”.

(b) BACKGROUND CHECKS.—Section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “subsection (b)(3)” and inserting “paragraph (3)”; and

(B) by redesignating paragraph (2) as paragraph (4);

(2) by moving paragraphs (2) and (3) of subsection (b) to subsection (a), and inserting them after paragraph (1) of that subsection;

(3) in subsection (a)(3), as redesignated by paragraph (2) of this subsection, by striking “subsection (a)(1)” and inserting “paragraph (1)”; and

(4) in subsection (b), by striking paragraph (1) and inserting the following:

“(1) A background check required by subsection (a) shall be initiated through the personnel programs of the applicable Federal agencies.

“(2) A background check for a child care staff member under subsection (a) shall include—

“(A) a search, including a fingerprint check, of the State criminal registry or repository in—

“(i) the State where the child care staff member resides; and

“(ii) each State where the child care staff member previously resided during the longer of—

“(I) the 10-year period ending on the date on which the background check is initiated; or

“(II) the period beginning on the date on which the child care staff member attained 18 years of age and ending on the date on which the background check is initiated;

“(B) a search of State-based child abuse and neglect registries and databases in—

“(i) the State where the child care staff member resides; and

“(ii) each State where the child care staff member previously resided during the longer of—

“(I) the 10-year period ending on the date on which the background check is initiated; or

“(II) the period beginning on the date on which the child care staff member attained 18 years of age and ending on the date on which the background check is initiated;

“(C) a search of the National Crime Information Center database;

“(D) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System;

“(E) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

“(F) a search of the State sex offender registry established under that Act in—

“(i) the State where the child care staff member resides; and

“(ii) each State where the child care staff member previously resided during the longer of—

“(I) the 10-year period ending on the date on which the background check is initiated; or

“(II) the period beginning on the date on which the child care staff member attained 18 years of age and ending on the date on which the background check is initiated.

“(3) A child care staff member shall be ineligible for employment by a child care provider if such individual—

“(A) refuses to consent to the background check described in subsection (a);

“(B) makes a false statement in connection with such background check;

“(C) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006; or

“(D) has been convicted of a felony consisting of—

“(i) murder, as described in section 1111 of title 18, United States Code;

“(ii) child abuse or neglect;

“(iii) a crime against children, including child pornography;

“(iv) spousal abuse;

“(v) a crime involving rape or sexual assault;

“(vi) kidnapping;

“(vii) arson;

“(viii) physical assault or battery; or

“(ix) subject to paragraph (5)(D), a drug-related offense committed during the preceding 5 years.

“(4)(A) A child care provider covered by paragraph (3) shall submit a request, to the appropriate State agency designated by a State, for a background check described in subsection (a), for each child care staff member (including prospective child care staff members) of the provider.

“(B) In the case of an individual who is hired as a child care staff member before the date of enactment of the Safe Child Care Act of 2014, the provider shall submit such a request—

“(i) prior to the last day of the second full fiscal year after that date of enactment; and

“(ii) not less often than once during each 5-year period following the first submission date under this subparagraph for that staff member.

“(C) In the case of an individual who is a prospective child care staff member on or after that date of enactment, the provider shall submit such a request—

“(i) prior to the date the individual becomes a child care staff member of the provider; and

“(ii) not less often than once during each 5-year period following the first submission date under this subparagraph for that staff member.

“(5)(A) The State shall—

“(i) carry out the request of a child care provider for a background check described in subsection (a) as expeditiously as possible; and

“(ii) in accordance with subparagraph (B) of this paragraph, provide the results of the background check to—

“(I) the child care provider; and

“(II) the current or prospective child care staff member for whom the background check is conducted.

“(B)(i) The State shall provide the results of a background check to a child care provider as required under subparagraph (A)(ii)(I) in a statement that—

“(I) indicates whether the current or prospective child care staff member for whom the background check is conducted is eligible or ineligible for employment by a child care provider; and

“(II) does not reveal any disqualifying crime or other related information regarding the current or prospective child care staff member.

“(ii) If a current or prospective child care staff member is ineligible for employment by a child care provider due to a background check described in subsection (a), the State shall provide the results of the background check to the current or prospective child care staff member as required under subparagraph (A)(ii)(II) in a criminal background report that includes information relating to each disqualifying crime.

“(iii) A State—

“(I) may not publicly release or share the results of an individual background check described in subsection (a); and

“(II) may include the results of background checks described in subsection (a) in the development or dissemination of local or statewide data relating to background checks if the results are not individually identifiable.

“(C)(i) The State shall provide for a process by which a child care staff member (including a prospective child care staff member) may appeal the results of a background check required under subsection (a) to challenge the accuracy or completeness of the information contained in the criminal background report of the staff member.

“(ii) The State shall ensure that—

“(I) the appeals process is completed in a timely manner for each child care staff member;

“(II) each child care staff member is given notice of the opportunity to appeal; and

“(III) each child care staff member who wishes to challenge the accuracy or completeness of the information in the criminal background report of the child care staff member is given instructions about how to complete the appeals process.

“(D)(i) The State may allow for a review process through which the State may determine that a child care staff member (including a prospective child care staff member) disqualified for a crime specified in paragraph (3)(D)(ix) is eligible for employment by a child care provider, notwithstanding paragraph (3).

“(ii) The review process under this subparagraph shall be consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

“(E) Nothing in this section shall be construed to create a private right of action against a child care provider if the child care provider is in compliance with this section.

“(F) This section shall apply to each State that receives funding under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

“(6) Fees that the State may charge for the costs of conducting a background check as required by subsection (a) shall not exceed the actual costs to the State for the administration of such background checks.

“(7) Nothing in this subsection shall be construed to prevent a Federal agency from disqualifying an individual as a child care staff member based on a conviction of the individual for a crime not specifically listed in this subsection that bears upon the fitness of an individual to provide care for and have responsibility for the safety and well-being of children.

“(8) In this subsection—

“(A) the term ‘child care provider’ means an agency of the Federal Government, or a unit of or contractor with the Federal Government that is operating a facility, described in subsection (a); and

“(B) the term ‘child care staff member’ means an individual who is hired, or seeks to be hired, by a child care provider to be involved with the provision of child care services, as described in subsection (a).”; and

(5) by striking subsection (c) and inserting the following:

“(c) **SUSPENSION PENDING DISPOSITION OF CRIMINAL CASE.**—In the case of an incident in which an individual has been charged with an offense described in subsection (b)(3)(D) and the charge has not yet been disposed of, an employer may suspend an employee from having any contact with children while on the job until the case is resolved.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1 of the second full fiscal year after the date of enactment of this Act.

SEC. 15. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS FOR CHILD CARE.

Section 590 of title 40, United States Code, is amended—

(1) by redesignating subsections (a) through (g) as subsections (b) through (h), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) **DEFINITION OF FEDERAL EMPLOYEE.**—In this section, the term ‘Federal employee’ does not include a person that—

“(1) is not employed by the Federal Government; and

“(2) meets the requirements described in subsection (c)(2)(C)(i)(II).”;

(3) in paragraph (2)(C) of subsection (c) (as so redesignated), by striking clause (i) and inserting the following:

“(i) the space will be used to provide child care services to children of whom at least 50 percent have 1 parent or guardian who—

“(I) is employed by the Federal Government; or

“(II)(aa) has met the requirements for a master’s degree or a doctorate degree from an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)); and

“(bb) is conducting research in the Federal building under an arrangement between the parent or guardian and a Federal agency.”; and

(4) in subsection (d) (as so redesignated), by striking “subsection (b)” each place it appears and inserting “subsection (c)”.

SEC. 16. SENSE OF THE SENATE ON SIGNIFICANTLY REDUCING CHILD POVERTY BY CALENDAR YEAR 2019.

(a) FINDINGS.—The Senate finds that—

(1) the United States has the highest rate of childhood poverty among 34 major countries in the Organisation for Economic Co-operation and Development, including Denmark, Finland, Norway, Iceland, Cyprus, Austria, Sweden, the Czech Republic, Germany, Slovenia, Hungary, South Korea, the United Kingdom, Switzerland, the Netherlands, Ireland, France, Malta, Luxembourg, Slovakia, Estonia, Belgium, New Zealand, Poland, Canada, Australia, Japan, Portugal, Greece, Italy, Lithuania, Latvia, Spain, and Bulgaria;

(2) a record-breaking 46,496,000 individuals lived in poverty in the United States in 2012, which is an increase of 14,915,000 individuals since 2000;

(3) 16,073,000 children in the United States lived in poverty in 2012, which is an increase of 4,486,000 children since 2000;

(4) more than 7,100,000 children in the United States, 40 percent of children living in poverty in the United States, live in extreme poverty (defined as living in families with an income that is less than half of the poverty level);

(5) nearly 1,200,000 public school students in the United States were homeless in the 2011–2012 school year, an increase of 73 percent since the 2006–2007 school year;

(6) in an average month in fiscal year 2011, 1,200,000 households with children in the United States did not have any cash income and, for food, depended only on benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(7) in 2012, government assistance programs removed from poverty 9,000,000 children, including 5,300,000 children through the earned income tax credit under section 32 of the Internal Revenue Code of 1986 and the child tax credit under section 24 of the Internal Revenue Code of 1986, and 2,200,000 children through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(8) in 2012, child poverty would have been 57 percent higher, and extreme poverty would have been 240 percent higher, without government tax credits and food, housing, and energy benefits;

(9) in 2013, an individual working full-time at the Federal minimum wage could not afford the fair market rent for a 2-bedroom rental unit and have enough money for food, utilities, and other necessities;

(10) in school years 2009–2010 and 2010–2011, less than half of children ages 3 and 4 were enrolled in preschool;

(11) Early Head Start programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.) served only 4 percent of the 2,900,000 eligible poor infants and toddlers each day in fiscal year 2012, and Head Start programs carried out under such Act served only 41 percent of the 2,000,000 eligible poor children ages 3 and 4;

(12) more than 220,000 children are on waiting lists for child care assistance; and

(13) child poverty costs the United States not less than \$500,000,000 each year in additional education, health, and criminal justice costs and in lost productivity.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately present to Congress a comprehensive plan to significantly reduce child poverty in the United States by calendar year 2019.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. COBURN. Madam President, on rollcall vote 77 I voted “aye.” It was my intention to vote “nay.” I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order).

SUPPORTING SOVEREIGNTY AND DEMOCRACY IN UKRAINE—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 329, S. 2124, which is the bill to support sovereignty and democracy in Ukraine.

The PRESIDING OFFICER (Mr. MARKEY). The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 329, S. 2124, to support sovereignty and democracy in Ukraine, and for other purposes.

UNANIMOUS CONSENT AGREEMENT—H.R. 3370 AND S. 2137

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 317, H.R. 3370, the Homeowner Flood Insurance Affordability Act; that there be up to 45 minutes of debate prior to a vote on passage of the bill, with the majority controlling 30 minutes and the Republicans controlling 15 minutes; further, that upon disposition of H.R. 3370, the Senate proceed to the consideration of S. 2137, introduced earlier today by Senator LEE; that the bill be read a third time and the Senate proceed to vote on passage of the bill; that each bill be subject to a 60 affirmative vote threshold, with all of the above occurring with no intervening action or debate; finally, that there be 2 minutes equally divided in between the votes; and that Senator COBURN be recognized for up to 30 minutes following the votes for his remarks relative to the flood insurance bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that following disposi-

tion of S. 2137, the Senate proceed to executive session to consider the following two nominations en bloc: Calendar Nos. 647 and 551; that the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session; further, that there be 2 minutes for debate equally divided in the usual form prior to each vote, and that the votes be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT OF 2013

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3370. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3370) to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there are now 45 minutes for debate.

The Senator from Utah.

Mr. LEE. Mr. President, this particular bill has not been examined in committee—not in the Senate, not even in the House. It was rushed to the floor of the House without amendment, and it is rushed to the floor here without amendment. This is not how the legislative process is supposed to work—especially not here in the Senate.

My opponents may say we already had our chance to impact this policy, but what we have before us now is a different bill—a bill which we have never seen before. This bill is not a conference report. It takes zero cues from the Senate bill. Not a single representative of the American people has been given the opportunity to offer even a single amendment to this legislation.

All I have been asking for is a vote on an amendment which eliminates certain insurance rebates for second homes. My amendment would not change homeowners’ flood insurance policies or even reduce the new taxpayer subsidy we are going to give them. It simply removes a retroactive reimbursement for second homes. Essentially we ask that working families around the country, including taxpayers in my State, not have to cut an additional check to the owners of coastal vacation houses. I know of no one who objects to my provision on policy grounds. Let me repeat that. I don’t know of anyone, not one person who has raised a policy objection to