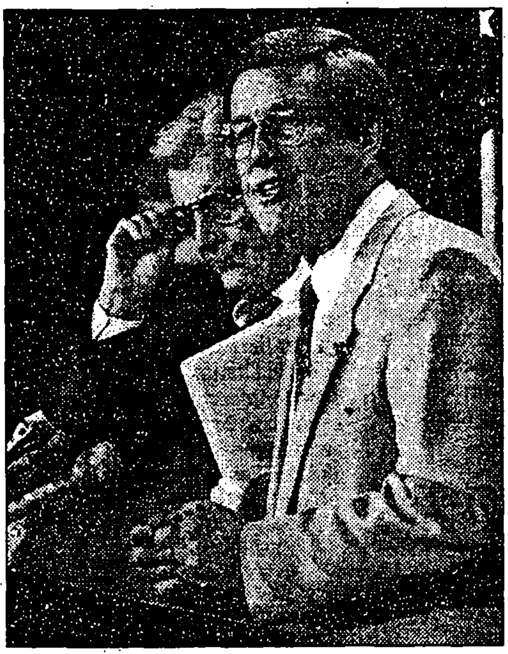
Aide Finds Ways, Means to Kill Measure

Staffer Convinces Lawmakers to Scuttle Day Care Standards

By KATHERINE E. HARRIS
LEGI-SLATE News Service



House Oversight Chairman Bill Thomas, right, shown here with Sen. John W. Warner, was among a group of five committee chairmen who asked appropriators to kill a provision that would have imposed standards on federal child care centers.

BY RAY LUSTIG—THE WASHINGTON POST

In a classic tale of Washington clout, a senior House Ways and Means Committee aide launched a successful campaign to torpedo legislation that would have set new standards at child care centers in federal buildings.

Several congressional aides who followed the fast-moving developments said the staffer, who heads the board that runs the House day care center, warned senior Republicans that the provision could be a prelude to the creation of national standards for all day care centers.

The federal child care provision was based on bills sponsored by Rep. Benjamin A. Gilman (R-N.Y.) and Sen. James M. Jeffords (R-Vt.), considered political moderates.

Their plan would require all child care centers in non-military federal facilities to meet the same standards that apply to other local centers. In addition, within five years, centers would have to comply with standards set by the General Services Administration, which oversees many, but not all, federal child care facilities.

The reforms, which would affect more than 1,000 facilities around the country, passed the House Government Reform and Oversight Committee's government management panel in February. Then, Jeffords attached the legislation to the Treasury-Postal appropriations bill and House-Senate negotiators retained the provision.

But in the waning days of the session, Ron Haskins, a Republican aide on the House Ways and Means human resources subcommittee, moved to kill the provision, according to several Republican congressional aides and others who spoke on condition of anonymity. Several aides said Haskins drafted a letter for lawmakers that invoked the all-important Capitol Hill principle: turf.

Several days later, five House committee chairmen—including House Oversight Chairman Bill Thomas (R-Calif.), Ways and Means Chairman Bill Archer (R-Tex.), and Education and the Workforce Chairman William F. Goodling (R-Pa.)—sent appropriators the letter, asking that the provision be dropped.

Thomas claimed jurisdiction because two child care centers—the House center and another at the Library of Congress—come under his authority. And since two other committees oversee most general child care bills—Ways and Means, and Education and the Workforce—Goodling and Archer believed they should have been consulted.

Goodling spokesman Bill McCarthy confirmed that Haskins approached committee staff to sign the letter, and suggested that Haskins was the point person on the effort to kill the provision.

"If you want to know more about the problems with the federal child care thing, you should call Ron Haskins," McCarthy said.

Haskins refused to discuss his role in the matter on the record. Officials at the House day care center identified Haskins as president of the facility's board.

The House center already complies with quality standards comparable to those cited in the legislation, but the facility at the Library of Congress does not. Amy Plaster, president of the board for the "Little Scholars" center at the Library of Congress, said she discussed the provisions with Haskins and she agreed with his position that they should be removed from the legislation.

"It adds layers of bureaucracy," she said.

In a separate letter to Gilman, Thomas complained that he had "significant substantive concerns" as well as procedural problems with the federal child care language. "I assure you that the child care centers within the legislative branch do provide and will continue to provide quality services," Thomas wrote.

Goodling said in an interview that he feared "national standards with regard to child care would be the camel's nose under the tent," leading to uniform standards for all child care centers.

Advocates of the legislation note that agencies would be able to choose from a number of national accreditation boards. These centers now "are legally accountable to no one," said Grace Reef, director of intergovernmental affairs at the Children's Defense Fund. Reef, an active supporter of the measure, said her two children had negative experiences when they were enrolled in Little Scholars.

Faced with the chairmen's opposition—and because this controversy was one of several thorny issues threatening to sink the Treasury appropriations bill—Republican leaders decided to drop the federal child care provision last Wednesday.

Gilman vowed Thursday to try to craft something that would be outside of Thomas's jurisdiction. But by the weekend, with Congress racing to wrap up its business for the year, the prospects for resurrecting the issue seemed dim.

The Washington Post
TUESDAY, OCTOBER 13, 1998

High Court To Review Phone Rules

At Stake: Choices For Local Service

By Mike Mills
Washington Post Staff Writer

With billions of dollars at stake among warring factions of the telecommunications industry, the Supreme Court will consider today whether to reinstate federal rules designed to speed competition in the $110 billion-per-year market for local telephone service.

The rules were imposed by the Federal Communications Commission two years ago—and later overturned by a federal appeals court—to regulate what an established monopoly phone company can charge newly emerging competitors that want to lease lines on the incumbent's phone system. The lower court said the rules violated state powers to set local rates.

Bringing competition to one of the last great bastions of monopoly control of the telecommunications industry—local telephone service—was a prime objective of the 1996 Telecommunications Act. But so far competition is stalled, in part because of legal battling over these rules.

Companies wanting to challenge the dominant Bell companies can build their own networks, lease capacity on the Bells' networks for "resale" to customers under their own brand names or lease separate "unbundled" elements of a network.

No one can agree, however, on what the rates should be, or who should set them. But all sides agree that the price will be an important factor in how widespread competition becomes.

State regulators say the federal rules trample on their decades-old authority to set local phone rates. They have allies in the regional Bell companies and GTE Corp., which dominate local telephone service and prefer letting states decide pricing issues rather having a uniform FCC pricing method.

Those companies also want the court to reject FCC rules that allow competitors to get around the high price of leasing capacity on an entire phone network. Under the rules, rivals can instead lease components piece-by-piece to achieve the same result, at substantially lower rates.

If the court upholds the FCC rules, would-be local telephone competitors including AT&T Corp. and MCI WorldCom Inc. say their cost of entering the market would be lower. As a result, they say, residential telephone consumers could sooner choose among rival local telephone companies like they do long-distance carriers.

"It would have an enormous impact on the speed and breadth with which consumers enjoy local telephone competition and services," predicted Thomas O'Neill III, chief litigation counsel for MCI WorldCom.

Attorneys for the Bells and GTE, however, already are hinting at further litigation if the court sides with the FCC. "If by chance the Supreme Court were to reverse" the lower court's rejection of the rules, "I think it would send us back to court . . . on the basis that [the rules] would effectively be taking our property without just compensation," said William Barfield, associate general counsel for BellSouth Corp.

Attorneys for the FCC, AT&T and MCI WorldCom have their work cut out for them. Justice Sandra Day O'Connor has recused herself from the case (as she does with any case involving AT&T, presumably because of family investments in the company). As a result, the commission and its allies have only eight justices from which to win the five votes that they need to prevail.

A 4-to-4 tie would uphold a ruling by the 8th U.S. Circuit Court of Appeals, which rejected the FCC rules. "The odds are against" the FCC, said Scott Cleland, an industry analyst with the Legg Mason Precursor Group in the District.

The case grew out of complaints from the Iowa Utilities Board that the FCC was usurping state authority to set local phone rates when it issued its local market-opening rules in August 1996. In mid-1997, the 8th Circuit agreed.

Behind that state-federal powers battle lies an old war between local carriers and the long-distance industry over how much the Bells and GTE should be able to charge for the access to their networks that is necessary for completion of long-distance calls.

When private negotiations over such charges fail, state regulators are called in to settle the disputes and set connection fees.

The FCC rules at issue had demanded that states, when arbitrating pricing disputes, use a method that takes into account only the actual cost of providing circuits on local phone facilities to competitors. The Bells and GTE say their "historic" costs of building their local phone networks also should be factored in, which would mean higher rates.

Important as it is to the industry, the outcome of the case may be less important today than it was two years ago, analysts said. Over the past year, AT&T and MCI have declared they no longer would pursue a "resale" strategy to reach residential consumers, because the discounts allowed by local carriers were not deep enough to allow a profit.

Instead, AT&T bought Teleport, a company that is building alternative local networks in many U.S. cities. AT&T also is planning to reach consumers with its own facilities through its purchase of cable television giant Tele-Communications Inc. MCI has since merged with WorldCom, and the combined company is also spending heavily to build its own facilities to reach largely business customers.

House Passes Update of Copyright Law

Reuters

The House approved legislation yesterday updating copyright law for the digital age. The bill, which was approved by the Senate last week, implements the provisions of two international treaties adopted by the World Intellectual Property Organization in 1996.

The legislation creates criminal penalties for anyone who circumvents anti-piracy protections, such as encryption, used to block illegal copying. The bill also forbids the manufacture, importation, sale or distribution of devices or services used to break these protections.

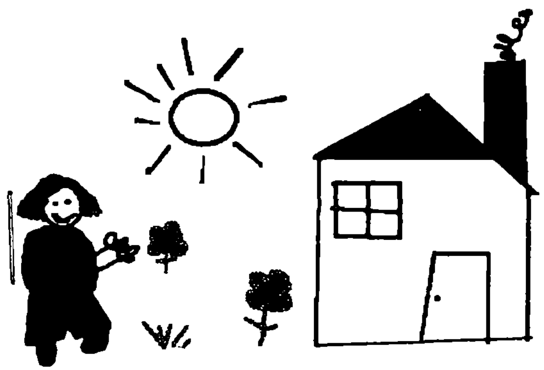
Some exceptions were included at the request of libraries, scientists, universities and some manufacturers of consumer electronic devices. The bill also protects Internet and other online service providers from being held liable for copyright infringements by their customers.

Software makers, movie studios, book publishers and other creators of copyrighted works pushed hard for the legislation. They feared that as their products increasingly became available on the Internet, pirates and criminals would be able to make and sell illegal copies easily.

The bill was sent to the White House, which has indicated that President Clinton will sign it.

Republican leaders in the House delayed a vote on the bill for several days, angered by a high-technology trade group that last week selected a former Democratic lawmaker as its new president. The Electronic Industries Alliance, which selected former congressman Dave McCurdy (D-Okla.), said it was puzzled by the delay. Alliance members have not been strong supporters of the bill.

The Washington Post
Tuesday, October 13, 1998



HOW ARE THE CHILDREN?

EARLY EDUCATION SERVICES, BRATTLEBORO, VT

Sylvia

Barbara

Nicole R. Rabner

10/07/98 10:55:04 AM

Record Type: Record

Janet
Martha
EK
BR

To:

cc:
Subject:

For those of you who may be working on Treasury-Postal and/or omnibus appropriations, I wanted to provide the following update about the "Improving Federal Child Care Act," in the hopes that, in the last days of negotiations, we may get this important bill passed.

The bill, sponsored by Jeffords in the Senate and Morella/Gilman in the House, improves federally-sponsored child care through a number of measures, including allowing agencies to provide child care subsidies to low-income federal workers and giving the General Services Administration greater oversight of federal child care facilities, specifically directing GSA to develop health and standards and holding federal facilities accountable to these standards or to state standards, which ever is more rigorous.

Committee

In the Senate, the full bill was attached by voice vote to Treasury-Postal. We understand, however, that in conference this bill may be stripped of its authorizing amendments, including this piece. In the House, the full bill was voted unanimously out of committee and headed for suspension calandar consideration, but was side-tracked by last minute objections by Reps. Hokstra and Thomas, and Ron Haskins of the House Ways and Means, who argued that the bill would be a slippery slope to national standards. Because of these objections, the House on Monday passed on suspension only the subsidy piece, which is Morella's bill, and did not consider the quality piece, which was Gilman's bill. GSA, HHS, and CDF have been working hard to convince these ~~rigid~~ members of the importance of improving the quality of federal child care and holding the centers to some reasonable standards of health and safety.

As final negotiations proceed, there is likely to be a renewed attempt by Jeffords and others to attach this bill to an omnibus appropriations package, and, if possible, we should weigh in to support that effort. We should, however, support pasage of the <u>entire</u> bill, not just the subsidy piece.

Children's Defense Fund

Facsimile Transmittal Sheet

TO: Nicole Rabner

Organization: DPC/White House

Fax Number: 456-2878

FROM: Grace Reef, Director
Department of Intergovernmental Relations
Fax No.: (202) 662-3550
Phone No.: (202) 662-3558

FAX number transmitted from: (202) 662-3550

DATE: ____________ **TIME:** ____________

Number of pages sent (including cover sheet): ____________

Comments:

Nicole –
Thanks!
Grace ☺

25 E Street, NW
Washington, DC 20001

October 6, 1998

The Honorable Newt Gingrich
Speaker, House of Representatives
The Capitol, H-232
Washington, DC 20515

Dear Mr. Speaker:

I am writing to you today to request that ideology and politics be pushed aside to ensure that children in day care settings located on legislative branch and executive branch properties are safe. Please support the day care provisions contained in the Treasury/Postal Appropriations bill and/or H.R. 2982 as introduced by Representative Gilman.

I am a parent of two children formerly enrolled in the Library of Congress day care center. While the day care is run by a nonprofit incorporated under D.C. statutes, the facility is located in a building on East Capitol Street owned by the Library of Congress and maintained by the Architect of the Capitol. Two years ago my daughter, who was then two months short of three years old, told me a graphic story about the penis of a man employed by the day care center. My pediatrician told me that the use of such graphic language and the progression in the story line was not age appropriate. I attempted to work with the administrative staff of the day care and the day care center Board. Unable to figure out what the day care was doing to review the matter, I went to the D.C. police. A detective at the D.C. Police Sex Branch Office was told that she could not enter the facility, that D.C. had no jurisdiction.

While I removed my daughter from the facility, I could not find alternative care for my son who was then an infant. As a parent, I made a difficult decision to leave him there while waiting for a space to open up in another local day care. Much to my surprise, he, too, was not safe. In November of 1996, I was called to the day care because my ten month old infant had an accident during which he lost his right index fingernail. Since accidents happen to children as many parents know, at that time I merely asked that several areas in the room that could be potential risks for infants be fixed. Unfortunately, two weeks later, the day care called me and requested that I pick up my baby because he'd had another accident and lost the fingernail on his left index finger. **That was when I learned that day care centers on legislative branch property are exempt from state and local law. Furthermore, I learned that day care centers on legislative branch property and executive branch property (in buildings not leased by GSA) have no oversight -- essentially, these day care centers are in the black hole.**

Since the time I pulled my children out of the Library day care center, the director and the Board have been replaced. Nevertheless, the issue remains that the Center operates without a license and without having to comply with state and local law.

It is wrong for Congress to exempt itself from state and local law in a matter of safety for children. Yesterday, Representative Gilman and Representative Morella had legislation pending on the suspension calendar, HR 4280, that would have rectified this situation. Unfortunately, I learned today that the safety language was stripped from the bill before the House voted. For your review, I have attached a copy of Representative Gilman's statement on the House floor. I urge you to place HR 2982, Representative Gilman's original federal day care safety bill on the suspension calendar and pass it. At a time when the House is expanding access to federal day care, shouldn't children of federal employees be as safe as children in day care not located on federal property?

Language similar to H.R. 2982 was included in the Treasury/Postal Appropriations conference agreement. I understand that the language may be dropped along with other provisions to move the bill forward. There is still time before Congress adjourns to reach closure on this issue and bring legislation before the House – either separately or through Treasury/Postal appropriations (since the matter deals with executive branch property.)

Should you wish additional information, please contact me at 202-662-3558. I look forward to working with you.

With best regards,

Sincerely,

Grace Reef

Grace Reef

6005 Natick Court
Burke, VA 22015

Attachment

cc: Arne Christenson

Congress of the United States
Washington, DC 20515

October 1, 1998

The Honorable James Kolbe
Subcommittee on Treasury, Postal Service, and General Government
B307 Rayburn Building
Washington, D.C 20515

Dear Chairman Kolbe:

We are writing to express our opposition to the childcare regulations included in the Treasury-Postal appropriations bill (§§ 701-705 of H.R. 4104).

We are concerned that the language included in the appropriations bill places the nation on a course towards federalized child-care. Heavily regulated, centrally controlled child-care cannot possibly meet the varied needs of families and communities across America. Neither the Committee on Ways and Means, nor the Committee on Education and the Workforce, which between them have jurisdiction over most child-care policy issues were consulted. Nor was the Committee on House Oversight, which has responsibility for administering child-care facilities in the legislative branch, consulted. Finally, placing substantive, legislative provisions on an appropriations bill violates the rules of the House of Representatives.

Therefore, we request that this language be removed from the appropriations bill.

Thank you for you assistance with this matter.

Sincerely,

Bill Archer
Chairman
Ways and Means

Bill Thomas
Chairman
House Oversight

William Goodling
Chairman
Education and the Workforce

E. Clay Shaw, Jr.
Chairman
Subcommittee on Human Resources

Frank Riggs
Chairman
Subcommittee on Childhood, Youth and Families

cc. The Honorable Bob Livingston
The Honorable Benjamin Gilman

Total Pages: 29

LRM ID: SGE165

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Friday, July 31, 1998

LEGISLATIVE REFERRAL MEMORANDUM

URGENT

TO: Legislative Liaison Officer - See Distribution below

FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference

Janet R. Forsgren

OMB CONTACT: Stephen G. Elmore
PHONE: (202)395-3924 FAX: (202)395-6148

SUBJECT: **OMB Request for Views on Amendment to S2312: Treasury and General Government Appropriations, FY 1999 (Child Care in Federal Facilities)**

DEADLINE: * 5:00 p.m., TODAY, Friday, July 31, 1998 *

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: The attached amendment to S2312 is similar to (1) HR2982, a bill for which GSA expressed support in testimony on 02/11/98, and (2) HR4280, a bill that the House Government Reform and Oversight Committee ordered reported on 07/23/98 (In fact, the attached amendment and HR4280 are very similar.). For your information, following is a summary of some of the key provisions that the attached amendment to S2312 contains and HR2982 does not:

- The amendment to S2312 contains a section (section 3) that would authorize Executive agencies to use agency funds to provide child care services for employees.
- The amendment to S2312 contains a provision to require child care facilities to disclose prior violations to parents and facility employees.
- The amendment to S2312 contains two sections (sections 4 and 5) that address miscellaneous provisions (like goals for Federal contractors) and lactation support accommodations, respectively.

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LRM ID: SGE165 SUBJECT: OMB Request for Views on Amendment to S2312: Treasury and General Government Appropriations, FY 1999 (Child Care in Federal Facilities)

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Stephen G. Elmore Phone: 395-3924 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: ______________________ (Date)

______________________ (Name)

______________________ (Agency)

______________________ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _______

_____ Other: ______________

_____ FAX RETURN of _____ pages, attached to this response sheet

O:\ALD\ALD98.500

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AMENDMENT NO.____

Purpose: To establish requireme[...] care in Federal facilities.

IN THE SENATE OF THE UNITED [...]

(no.) ____

(title) ____

Referred to the Committee on ____ and ordered to be p[...]

Ordered to lie on the table a[...]

AMENDMENT intended to [...]
Senator Jeffords and Landrieu and Dodd

Viz:

At the appropriate place, insert the following:

TITLE ____—CHILD CARE IN FEDERAL FACILITIES

SEC. ____1. SHORT TITLE.

This title may be cited as the "Quality Child Care for Federal Employees Act".

SEC. ____2. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

(a) DEFINITION.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) CHILD CARE ACCREDITATION ENTITY.—The term "child care accreditation entity" means a nonprofit private organization or public agency that—

(A) is recognized by a State agency or by a national organization that serves as a peer review panel on the standards and procedures of public and private child care or school accrediting bodies; and

(B) accredits a facility to provide child care on the basis of—

(i) an accreditation or credentialing instrument based on peer-validated research;

(ii) compliance with applicable State or local licensing requirements, as appropriate, for the facility;

(iii) outside monitoring of the facility; and

(iv) criteria that provide assurances of—

(I) use of developmentally appropriate health and safety standards at the facility;

(II) use of developmentally appropriate educational activities, as an integral part of the child care program carried out at the facility; and

(III) use of ongoing staff development or training activities for the staff of the facility, including related skills-based testing.

(3) ENTITY SPONSORING A CHILD CARE FACILITY.—The term "entity sponsoring a child care facility" means a Federal agency that operates, or an entity that enters into a contract or licensing agreement with a Federal agency to operate, a child care facility primarily for the use of Federal employees.

(4) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given the term in section 105 of title 5, United States Code, except that the term—

(A) does not include the Department of Defense and the Coast Guard; and

(B) includes the General Services Administration, with respect to the administration of a facility described in paragraph (5)(B).

(5) EXECUTIVE FACILITY.—The term "executive facility"—

(A) means a facility that is owned or leased by an Executive agency; and

(B) includes a facility that is owned or leased by the General Services Administration on behalf of a judicial office.

(6) FEDERAL AGENCY.—The term "Federal agency" means an Executive agency or a legislative office.

(7) JUDICIAL OFFICE.—The term "judicial office" means an entity of the judicial branch of the Federal Government.

(8) LEGISLATIVE FACILITY.—The term "legislative facility" means a facility that is owned or leased by a legislative office.

(9) LEGISLATIVE OFFICE.—The term "legislative office" means an entity of the legislative branch of the Federal Government.

(10) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care

and Development Block Grant Act (42 U.S.C. 9858n).

(b) EXECUTIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS.—

(A) IN GENERAL.—Any entity sponsoring a child care facility in an executive facility shall—

(i) comply with child care standards described in paragraph (2) that, at a minimum, include applicable State or local licensing requirements, as appropriate, related to the provision of child care in the State or locality involved; or

(ii) obtain the applicable State or local licenses, as appropriate, for the facility.

(B) COMPLIANCE.—Not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with subparagraph (A); and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in such child care facility shall include a condition that the child care be provided by an entity that complies with the standards described in subparagraph (A)(i) or obtains the licenses described in subparagraph (A)(ii).

(2) HEALTH, SAFETY, AND FACILITY STANDARDS.—The Administrator shall by regulation establish standards relating to health, safety, facilities, facility design, and other aspects of child care that the Administrator determines to be appropriate for child care in executive facilities, and require child care ~~facilities, and entities sponsoring child care facilities,~~ services in executive facilities to comply with the standards. Such standards shall include requirements that child care facilities be inspected for, and be free of, lead hazards.

(3) ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring, to the maximum extent possible, any entity sponsoring an eligible child care facility (as defined by the Administrator) in an executive facility to comply with standards of a child care accreditation entity.

(B) COMPLIANCE.—The regulations shall require that, not later than 5 years after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the standards; and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in such child care facility shall include a condition that the child care be provided by an entity that complies with the standards.

(4) EVALUATION AND COMPLIANCE.—

(A) IN GENERAL.—The Administrator shall evaluate the compliance, with the requirements of paragraph (1) and the regulations issued pursuant to paragraphs (2) and (3), as appropriate, of child care facilities, and entities sponsoring child care facilities, in executive facilities. The Administrator may conduct the evaluation of such a child care facility or entity directly, or through an agreement with another

Federal agency or private entity, other than the Federal agency for which the child care facility is providing services. If the Administrator determines, on the basis of such an evaluation, that the child care facility or entity is not in compliance with the requirements, the Administrator shall notify the Executive agency.

(B) EFFECT OF NONCOMPLIANCE.—On receipt of the notification of noncompliance issued by the Administrator, the head of the Executive agency shall—

(i) if the entity operating the child care facility is the agency—

(I) not later than 2 business days after the date of receipt of the notification, correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) develop and provide to the Administrator a plan to correct any other deficiencies in the operation of the facility and bring the facility and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) bring the child care facility and entity into compliance with the requirements and certify to the Administrator that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure; and

(ii) if the entity operating the child care facility is a contractor or licensee of the Executive agency—

(I) require the contractor or licensee, not later than 2 business days after the date of receipt of the notification, to correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) require the contractor or licensee to develop and provide to the head of the agency a plan to correct any other deficiencies in the operation of the child care facility and bring the facility and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) require the contractor or licensee to provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and to post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) require the contractor or licensee to bring the child care facility and entity into compliance with the requirements and certify to the head of the agency that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure, which closure may be grounds for the immediate termination or suspension of the contract or license of the contractor or licensee.

(C) COST REIMBURSEMENT.—The Executive agency shall reimburse the Administrator for the costs of carrying out subparagraph (A) for child care facilities located in an executive facility other than an executive facility of the General Services Administration. If an entity is sponsoring a child care facility for 2 or more Executive agencies, the Administrator shall allocate the costs of providing such reimbursement with respect to the entity among the agencies in a fair and equitable manner, based on the extent to which each agency is eligible to place children in the facility.

(5) DISCLOSURE OF PRIOR VIOLATIONS TO PARENTS AND FACILITY EMPLOYEES.—The Administrator shall issue regulations that require that each entity sponsoring a child care facility in an Executive facility, upon receipt by the child care facility or the entity (as applicable) of a request by any individual who is a parent of any child enrolled at the facility, a parent of a child for whom an application has been submitted to enroll at the facility, or an employee of the facility, shall provide to the individual—

(A) copies of all notifications of deficiencies that have been provided in the past with respect to the facility under clause (i)(III) or (ii)(III), as applicable, of paragraph (4)(B); and

(B) a description of the actions that were taken to correct the deficiencies.

(c) LEGISLATIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS, HEALTH, SAFETY, AND FACILITY STANDARDS, AND ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Chief Administrative Officer of the House of Representatives shall issue regulations, approved by the Committee on House Oversight of the House of Representatives, governing the operation of the House of Representatives Child Care Center. The Librarian of Congress shall issue regulations, approved by the appropriate House and Senate committees with jurisdiction over the Library of Congress, governing the operation of the child care center located at the Library of Congress. Subject to paragraph (3), the head of a designated entity in the Senate shall issue regulations, approved by the Committee on Rules and Administration of the Senate, governing the operation of the Senate Employees' Child Care Center.

(B) STRINGENCY.—The regulations described in subparagraph (A) shall be no less stringent in content and effect than the requirements of subsection (b)(1) and the regulations issued by the Administrator under paragraphs (2) and (3) of subsection (b), except to the extent that appropriate administrative officers, with the approval of the appropriate House or

Senate committees with oversight responsibility for the centers, may jointly or independently determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in paragraphs (1), (2), and (3) of subsection (b) for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities.

(2) EVALUATION AND COMPLIANCE.—

(A) ADMINISTRATION.—Subject to paragraph (3), the Chief Administrative Officer of the House of Representatives, the head of the designated Senate entity, and the Librarian of Congress, shall have the same authorities and duties—

(i) with respect to the evaluation of, compliance of, and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the Administrator has under subsection (b)(4) with respect to the evaluation of, compliance of, and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities; and

(ii) with respect to issuing regulations requiring the entities sponsoring child care facilities in the corresponding legislative facilities to provide notifications of deficiencies and descriptions of corrective actions as the Administration has under subsection (b)(5) with respect to issuing regulations requiring the entities sponsoring child care facilities in executive facilities to provide notifications of deficiencies and descriptions of corrective actions.

(B) ENFORCEMENT.—Subject to paragraph (3), the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, as appropriate, shall have the same authorities and duties with respect to the compliance of and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the head of an Executive agency has under subsection (b)(4) with respect to the compliance of and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities.

(3) INTERIM STATUS.—Until such time as the Committee on Rules and Administration of the Senate establishes, or the head of the designated Senate entity establishes, standards described in paragraphs (1), (2), and (3) of subsection (b) governing the operation of the Senate Employees' Child Care Center, such facility shall maintain current accreditation status.

(d) APPLICATION.—Notwithstanding any other provision of this section, if 8 or more child care facilities are sponsored in facilities owned or leased by an Executive agency, the Administrator shall delegate to the head of the agency the evaluation and compliance responsibilities assigned to the Administrator under subsection (b)(4)(A).

(e) TECHNICAL ASSISTANCE, STUDIES, AND REVIEWS.—The Administrator may provide technical assistance, and conduct and provide the results of studies and reviews, for Executive agencies, and entities sponsoring child care facilities in executive facilities, on a reimbursable basis, in order to assist the entities in complying with this section. The Chief Administrative Officer of the House of Representatives, the Librarian of Congress, and the head of the designated Senate entity described in subsection (c), may provide technical assistance, and conduct and provide the results of studies and reviews, or request that the Administrator provide technical assistance, and conduct and provide the results of studies and reviews, for the corresponding legislative offices, and entities operating child care facilities in the corresponding legislative facilities, on a reimbursable basis, in order to assist the entities in complying with this section.

(f) COUNCIL.—The Administrator shall establish an interagency council, comprised of representatives of all Executive agencies described in subsection (d), a representative of the Chief Administrative Officer of the House of Representatives, a representative of the designated Senate entity described in subsection (c), and a representative of the Librarian of Congress, to facilitate cooperation and sharing of best practices, and to develop and coordinate policy, regarding the provision of child care, including the provision of areas for nursing mothers and other lactation support facilities and services, in the Federal Government.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $900,000 for fiscal year 1999 and such sums as may be necessary for each subsequent fiscal year.

SEC. ___3. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—An Executive agency that provides or proposes to provide child care services for Federal employees may use agency funds to provide the child care services, in a facility that is owned or leased by an Executive agency, or through a contractor, for civilian employees of such agency.

(b) AFFORDABILITY.—Funds so used with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Director of the Office of Personnel Management shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

SEC. ___4. MISCELLANEOUS PROVISIONS RELATING TO CHILD CARE PROVIDED BY FEDERAL AGENCIES.

(a) AVAILABILITY OF FEDERAL CHILD CARE CENTERS FOR ONSITE CONTRACTORS; PERCENTAGE GOAL.—

Section 616(a) of the Act of December 22, 1987 (40 U.S.C. 490b), is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

"(2) such officer or agency determines that such space will be used to provide child care and related services to—

"(A) children of Federal employees or onsite Federal contractors; or

"(B) dependent children who live with Federal employees or onsite Federal contractors; and

"(3) such officer or agency determines that such individual or entity will give priority for available child care and related services in such space to Federal employees and onsite Federal contractors."; and

(2) by adding at the end the following:

"(e)(1)(A) The Administrator of General Services shall confirm that at least 50 percent of aggregate enrollment in Federal child care centers governmentwide are children of Federal employees or onsite Federal contractors, or dependent children who live with Federal employees or onsite Federal contractors.

"(B) Each provider of child care services at an individual Federal child care center shall maintain 50 percent of the enrollment at the center of children described under subparagraph (A) as a goal for enrollment at the center.

"(C) If enrollment at a center does not meet the percentage goal under subparagraph (B), the provider shall develop and implement a business plan with the sponsoring Federal agency to achieve the goal within a reasonable timeframe. Such plan shall be approved by the Administrator of General Services based on—

"(i) compliance of the plan with standards established by the Administrator; and

"(ii) the effect of the plan on achieving the aggregate Federal enrollment percentage goal.

"(2) The Administrator of General Services Administration may enter into public-private partnerships or contracts with nongovernmental entities to increase the capacity, quality, affordability, or range of child care and related services and may, on a demonstration basis, waive subsection (a)(3) and paragraph (1) of this subsection.".

(b) PAYMENT OF COSTS OF TRAINING PROGRAMS.—Section 616(b)(3) of such Act (40 U.S.C. 490(b)(3)) is amended to read as follows:

"(3) If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other

Federal or leased space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited. Any agency, department, or instrumentality of the United States that provides or proposes to provide child care services for children referred to in subsection (a)(2), may reimburse any Federal employee or any person employed to provide such services for the costs of training programs, conferences, and meetings and related travel, transportation, and subsistence expenses incurred in connection with those activities. Any per diem allowance made under this section shall not exceed the rate specified in regulations prescribed under section 5707 of title 5, United States Code.".

(c) PROVISION OF CHILD CARE BY PRIVATE ENTITIES.—Section 616(d) of such Act (40 U.S.C. 490b(d)) is amended to read as follows:

"(d)(1) If a Federal agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency, the child care center board of directors, or the General Services Administration may enter into an agreement with 1 or more private entities under which such private entities would assist in defraying the general operating expenses of the child care providers including salaries and tuition assistance programs at the facility.

"(2)(A) Notwithstanding any other provision of law, if a Federal agency does not have a child care program, or if the Administrator of General Services has identified a need for child care for Federal employees at an agency providing child care services that do not meet the requirements of subsection (a), the agency or the Administrator may enter into an agreement with a non-Federal, licensed, and accredited child care facility, or a planned child care facility that will become licensed and accredited, for the provision of child care services for children of Federal employees.

"(B) Before entering into an agreement, the head of the Federal agency shall determine that child care services to be provided through the agreement are more cost effectively provided through such arrangement than through establishment of a Federal child care facility.

"(C) The agency may provide any of the services described in subsection (b)(3) if, in exchange for such services, the facility reserves child care spaces for children referred to in subsection (a)(2), as agreed to by the parties. The cost of any such services provided by an agency to a child care facility on behalf of another agency shall be reimbursed by the receiving agency.

"(3) This subsection does not apply to residential child care programs.".

(d) PILOT PROJECTS.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

"(f)(1) Upon approval of the agency head, an agency may conduct a pilot project not otherwise authorized by law for no more than 2 years to test innovative approaches to providing alternative forms of quality child care assistance for Federal employees. An agency head may extend a pilot project for an additional 2-year period. Before any pilot project may be implemented, a determination shall be made by the agency head that initiating the pilot project would be more cost-effective than establishing a new child care facility. Costs of any pilot project shall be borne solely by the agency conducting the pilot project.

"(2) The Administrator of General Services shall serve as an information clearinghouse for pilot projects initiated by other agencies to disseminate information concerning the pilot projects to the other agencies.

"(3) Within 6 months after completion of the initial 2-year pilot project period, an agency conducting a pilot project under this subsection shall provide for an evaluation of the impact of the project on the delivery of child care services to Federal employees, and shall submit the results of the evaluation to the Administrator of General

Services. The Administrator shall share the results with other Federal agencies.".

(e) BACKGROUND CHECK.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

"(g) Each child care center located in a federally owned or leased facility shall ensure that each employee of such center (including any employee whose employment began before the date of enactment of this subsection) shall undergo a criminal history background check consistent with section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).".

SEC. ____5. REQUIREMENT TO PROVIDE LACTATION SUPPORT IN NEW FEDERAL CHILD CARE FACILITIES.

(a) DEFINITIONS.—In this section, the terms "Federal agency", "executive facility", and "legislative facility" have the meanings given the terms in section ____2.

(b) LACTATION SUPPORT.—The head of each Federal agency shall require that each child care facility in an executive facility or a legislative facility that is first operated after the 1-year period beginning on the date of enactment of this Act by the Federal agency, or under a contract or licensing agreement with the Federal agency, shall provide reasonable accommodations for the needs of breastfed infants and their mothers, including providing a lactation area or a room for nursing mothers in part of the operating plan for the facility.

AMENDMENT NO. ____ Calendar No. ____

Purpose: To establish requirements for the provision of child care in Federal facilities.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

(no.) ______

(title) ______________________

Referred to the Committee on ______________________
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Senator Jeffords and Senators Landrieu and Dodd

Viz:

At the appropriate place, insert the following:

TITLE ___—CHILD CARE IN FEDERAL FACILITIES

SEC. ___1. SHORT TITLE.

This title may be cited as the "Quality Child Care for Federal Employees Act"

SEC. ___2. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

(a) DEFINITION.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) CHILD CARE ACCREDITATION ENTITY.—The term "child care accreditation entity" means a nonprofit private organization or public agency that—

(A) is recognized by a State agency or by a national organization that serves as a peer review panel on the standards and procedures of public and private child care or school accrediting bodies; and

(B) accredits a facility to provide child care on the basis of—

(i) an accreditation or credentialing instrument based on peer-validated research;

(ii) compliance with applicable State or local licensing requirements, as appropriate, for the facility;

(iii) outside monitoring of the facility; and

(iv) criteria that provide assurances of—

Federal agency or private entity, other than the Federal agency for which the child care facility is providing services. If the Administrator determines, on the basis of such an evaluation, that the child care facility or entity is not in compliance with the requirements, the Administrator shall notify the Executive agency.

(B) EFFECT OF NONCOMPLIANCE.—On receipt of the notification of noncompliance issued by the Administrator, the head of the Executive agency shall—

(i) if the entity operating the child care facility is the agency—

(I) not later than 2 business days after the date of receipt of the notification, correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) develop and provide to the Administrator a plan to correct any other deficiencies in the operation of the facility and bring the facility and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) bring the child care facility and entity into compliance with the requirements and certify to the Administrator that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of

Fax Transmission

Senate Committee on Labor and Human Resources

Senator James M. Jeffords, Chairman

Children's Policy Team
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DATE: July 28, 1998

TO: Nicole Rabner,
Associate Director for Domestic Policy
FAX #: 202-456-2878
FROM: Kimberly Barnes-O'Connor
Director of Children's Policy
SUBJECT: lagislative language
PAGES (incl. cover sheet): 27

COMMENTS:

(I) use of developmentally appropriate health and safety standards at the facility;

(II) use of developmentally appropriate educational activities, as an integral part of the child care program carried out at the facility; and

(III) use of ongoing staff development or training activities for the staff of the facility, including related skills-based testing.

(3) ENTITY SPONSORING A CHILD CARE FACILITY.—The term "entity sponsoring a child care facility" means a Federal agency that operates, or an entity that enters into a contract or licensing agreement with a Federal agency to operate, a child care facility primarily for the use of Federal employees.

(4) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given the term in section 105 of title 5, United States Code, except that the term—

(A) does not include the Department of Defense and the Coast Guard; and

(B) includes the General Services Administration, with respect to the administration of a facility described in paragraph (5)(B).

(5) EXECUTIVE FACILITY.—The term "executive facility"—

(A) means a facility that is owned or leased by an Executive agency; and

(B) includes a facility that is owned or leased by the General Services Administration on behalf of a judicial office.

(6) FEDERAL AGENCY.—The term "Federal agency" means an Executive agency or a legislative office.

(7) JUDICIAL OFFICE.—The term "judicial office" means an entity of the judicial branch of the Federal Government.

(8) LEGISLATIVE FACILITY.—The term "legislative facility" means a facility that is owned or leased by a legislative office.

(9) LEGISLATIVE OFFICE.—The term "legislative office" means an entity of the legislative branch of the Federal Government.

(10) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care

and Development Block Grant Act (42 U.S.C. 9858n).

(b) EXECUTIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS.—

(A) IN GENERAL.—Any entity sponsoring a child care facility in an executive facility shall—

(i) comply with child care standards described in paragraph (2) that, at a minimum, include applicable State or local licensing requirements, as appropriate, related to the provision of child care in the State or locality involved; or

(ii) obtain the applicable State or local licenses, as appropriate, for the facility.

(B) COMPLIANCE.—Not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with subparagraph (A); and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in such child care facility shall include a condition that the child care be provided by an entity that complies with the standards described in subparagraph (A)(i) or obtains the licenses described in subparagraph (A)(ii).

(2) HEALTH, SAFETY, AND FACILITY STANDARDS.—The Administrator shall by regulation establish standards relating to health, safety, facilities, facility design, and other aspects of child care that the Administrator determines to be appropriate for child care in executive facilities, and require child care ~~facilities, and entities sponsoring child care facilities,~~ services in executive facilities to comply with the standards. Such standards shall include requirements that child care facilities be inspected for, and be free of, lead hazards.

(3) ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring, to the maximum extent possible, any entity sponsoring an eligible child care facility (as defined by the Administrator) in an executive facility to comply with standards of a child care accreditation entity.

(B) COMPLIANCE.—The regulations shall require that, not later than 5 years after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the standards; and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in such child care facility shall include a condition that the child care be provided by an entity that complies with the standards.

(4) EVALUATION AND COMPLIANCE.—

(A) IN GENERAL.—The Administrator shall evaluate the compliance, with the requirements of paragraph (1) and the regulations issued pursuant to paragraphs (2) and (3), as appropriate, of child care facilities, and entities sponsoring child care facilities, in executive facilities. The Administrator may conduct the evaluation of such a child care facility or entity directly, or through an agreement with another serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure; and

(ii) if the entity operating the child care facility is a contractor or licensee of the Executive agency—

(I) require the contractor or licensee, not later than 2 business days after the date of receipt of the notification, to correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) require the contractor or licensee to develop and provide to the head of the agency a plan to correct any other deficiencies in the operation of the child care facility and bring the facility and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) require the contractor or licensee to provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and to post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) require the contractor or licensee to bring the child care facility and entity into compliance with the requirements and certify to the head of the agency that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure, which closure may be grounds for the immediate termination or suspension of the contract or license of the contractor or licensee.

(C) COST REIMBURSEMENT.—The Executive agency shall reimburse the Administrator for the costs of carrying out subparagraph (A) for child care facilities located in an executive facility other than an executive facility of the General Services Administration. If an entity is sponsoring a child care facility for 2 or more Executive agencies, the Administrator shall allocate the costs of providing such reimbursement with respect to the entity among the agencies in a fair and equitable manner, based on the extent to which each agency is eligible to place children in the facility.

(5) DISCLOSURE OF PRIOR VIOLATIONS TO PARENTS AND FACILITY EMPLOYEES.—The Administrator shall issue regulations that require that each entity sponsoring a child care facility in an Executive facility, upon receipt by the child care facility or the entity (as applicable) of a request by any individual who is a parent of any child enrolled at the facility, a parent of a child for whom an application has been submitted to enroll at the facility, or an employee of the facility, shall provide to the individual—

(A) copies of all notifications of deficiencies that have been provided in the past with respect to the facility under clause (i)(III) or (ii)(III), as applicable, of paragraph (4)(B); and

(B) a description of the actions that were taken to correct the deficiencies.

(c) LEGISLATIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS, HEALTH, SAFETY, AND FACILITY STANDARDS, AND ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Chief Administrative Officer of the House of Representatives shall issue regulations, approved by the Committee on House Oversight of the House of Representatives, governing the operation of the House of Representatives Child Care Center. The Librarian of Congress shall issue regulations, approved by the appropriate House and Senate committees with jurisdiction over the Library of Congress, governing the operation of the child care center located at the Library of Congress. Subject to paragraph (3), the head of a designated entity in the Senate shall issue regulations, approved by the Committee on Rules and Administration of the Senate, governing the operation of the Senate Employees' Child Care Center.

(B) STRINGENCY.—The regulations described in subparagraph (A) shall be no less stringent in content and effect than the requirements of subsection (b)(1) and the regulations issued by the Administrator under paragraphs (2) and (3) of subsection (b), except to the extent that appropriate administrative officers, with the approval of the appropriate House or

Senate committees with oversight responsibility for the centers, may jointly or independently determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in paragraphs (1), (2), and (3) of subsection (b) for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities.

(2) EVALUATION AND COMPLIANCE.—

(A) ADMINISTRATION.—Subject to paragraph (3), the Chief Administrative Officer of the House of Representatives, the head of the designated Senate entity, and the Librarian of Congress, shall have the same authorities and duties—

(i) with respect to the evaluation of, compliance of, and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the Administrator has under subsection (b)(4) with respect to the evaluation of, compliance of, and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities; and

(ii) with respect to issuing regulations requiring the entities sponsoring child care facilities in the corresponding legislative facilities to provide notifications of deficiencies and descriptions of corrective actions as the Administration has under subsection (b)(5) with respect to issuing regulations requiring the entities sponsoring child care facilities in executive facilities to provide notifications of deficiencies and descriptions of corrective actions.

(B) ENFORCEMENT.—Subject to paragraph (3), the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, as appropriate, shall have the same authorities and duties with respect to the compliance of and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the head of an Executive agency has under subsection (b)(4) with respect to the compliance of and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities.

(3) INTERIM STATUS.—Until such time as the Committee on Rules and Administration of the Senate establishes, or the head of the designated Senate entity establishes, standards described in paragraphs (1), (2), and (3) of subsection (b) governing the operation of the Senate Employees' Child Care Center, such facility shall maintain current accreditation status.

(d) APPLICATION.—Notwithstanding any other provision of this section, if 8 or more child care facilities are sponsored in facilities owned or leased by an Executive agency, the Administrator shall delegate to the head of the agency the evaluation and compliance responsibilities assigned to the Administrator under subsection (b)(4)(A).

(e) TECHNICAL ASSISTANCE, STUDIES, AND REVIEWS.—The Administrator may provide technical assistance, and conduct and provide the results of studies and reviews, for Executive agencies, and entities sponsoring child care facilities in executive facilities, on a reimbursable basis, in order to assist the entities in complying with this section. The Chief Administrative Officer of the House of Representatives, the Librarian of Congress, and the head of the designated Senate entity described in subsection (c), may provide technical assistance, and conduct and provide the results of studies and reviews, or request that the Administrator provide technical assistance, and conduct and provide the results of studies and reviews, for the corresponding legislative offices, and entities operating child care facilities in the corresponding legislative facilities, on a reimbursable basis, in order to assist the entities in complying with this section.

(f) COUNCIL.—The Administrator shall establish an interagency council, comprised of representatives of all Executive agencies described in subsection (d), a representative of the Chief Administrative Officer of the House of Representatives, a representative of the designated Senate entity described in subsection (c), and a representative of the Librarian of Congress, to facilitate cooperation and sharing of best practices, and to develop and coordinate policy, regarding the provision of child care, including the provision of areas for nursing mothers and other lactation support facilities and services, in the Federal Government.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $900,000 for fiscal year 1999 and such sums as may be necessary for each subsequent fiscal year.

SEC. ___3. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—An Executive agency that provides or proposes to provide child care services for Federal employees may use agency funds to provide the child care services, in a facility that is owned or leased by an Executive agency, or through a contractor, for civilian employees of such agency.

(b) AFFORDABILITY.—Funds so used with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Director of the Office of Personnel Management shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

SEC. ___4. MISCELLANEOUS PROVISIONS RELATING TO CHILD CARE PROVIDED BY FEDERAL AGENCIES.

(a) AVAILABILITY OF FEDERAL CHILD CARE CENTERS FOR ONSITE CONTRACTORS; PERCENTAGE GOAL.—

Section 616(a) of the Act of December 22, 1987 (40 U.S.C. 490b), is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

"(2) such officer or agency determines that such space will be used to provide child care and related services to—

"(A) children of Federal employees or onsite Federal contractors; or

"(B) dependent children who live with Federal employees or onsite Federal contractors; and

"(3) such officer or agency determines that such individual or entity will give priority for available child care and related services in such space to Federal employees and onsite Federal contractors."; and

(2) by adding at the end the following:

"(e)(1)(A) The Administrator of General Services shall confirm that at least 50 percent of aggregate enrollment in Federal child care centers governmentwide are children of Federal employees or onsite Federal contractors, or dependent children who live with Federal employees or onsite Federal contractors.

"(B) Each provider of child care services at an individual Federal child care center shall maintain 50 percent of the enrollment at the center of children described under subparagraph (A) as a goal for enrollment at the center.

"(C) If enrollment at a center does not meet the percentage goal under subparagraph (B), the provider shall develop and implement a business plan with the sponsoring Federal agency to achieve the goal within a reasonable timeframe. Such plan shall be approved by the Administrator of General Services based on—

"(i) compliance of the plan with standards established by the Administrator; and

"(ii) the effect of the plan on achieving the aggregate Federal enrollment percentage goal.

"(2) The Administrator of General Services Administration may enter into public-private partnerships or contracts with nongovernmental entities to increase the capacity, quality, affordability, or range of child care and related services and may, on a demonstration basis, waive subsection (a)(3) and paragraph (1) of this subsection.".

(b) PAYMENT OF COSTS OF TRAINING PROGRAMS.—Section 616(b)(3) of such Act (40 U.S.C. 490(b)(3)) is amended to read as follows:

"(3) If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other

Federal or leased space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited. Any agency, department, or instrumentality of the United States that provides or proposes to provide child care services for children referred to in subsection (a)(2), may reimburse any Federal employee or any person employed to provide such services for the costs of training programs, conferences, and meetings and related travel, transportation, and subsistence expenses incurred in connection with those activities. Any per diem allowance made under this section shall not exceed the rate specified in regulations prescribed under section 5707 of title 5, United States Code.".

(c) PROVISION OF CHILD CARE BY PRIVATE ENTITIES.—Section 616(d) of such Act (40 U.S.C. 490b(d)) is amended to read as follows:

"(d)(1) If a Federal agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency, the child care center board of directors, or the General Services Administration may enter into an agreement with 1 or more private entities under which such private entities would assist in defraying the general operating expenses of the child care providers including salaries and tuition assistance programs at the facility.

"(2)(A) Notwithstanding any other provision of law, if a Federal agency does not have a child care program, or if the Administrator of General Services has identified a need for child care for Federal employees at an agency providing child care services that do not meet the requirements of subsection (a), the agency or the Administrator may enter into an agreement with a non-Federal, licensed, and accredited child care facility, or a planned child care facility that will become licensed and accredited, for the provision of child care services for children of Federal employees.

"(B) Before entering into an agreement, the head of the Federal agency shall determine that child care services to be provided through the agreement are more cost effectively provided through such arrangement than through establishment of a Federal child care facility.

"(C) The agency may provide any of the services described in subsection (b)(3) if, in exchange for such services, the facility reserves child care spaces for children referred to in subsection (a)(2), as agreed to by the parties. The cost of any such services provided by an agency to a child care facility on behalf of another agency shall be reimbursed by the receiving agency.

"(3) This subsection does not apply to residential child care programs.".

(d) PILOT PROJECTS.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

"(f)(1) Upon approval of the agency head, an agency may conduct a pilot project not otherwise authorized by law for no more than 2 years to test innovative approaches to providing alternative forms of quality child care assistance for Federal employees. An agency head may extend a pilot project for an additional 2-year period. Before any pilot project may be implemented, a determination shall be made by the agency head that initiating the pilot project would be more cost-effective than establishing a new child care facility. Costs of any pilot project shall be borne solely by the agency conducting the pilot project.

"(2) The Administrator of General Services shall serve as an information clearinghouse for pilot projects initiated by other agencies to disseminate information concerning the pilot projects to the other agencies.

"(3) Within 6 months after completion of the initial 2-year pilot project period, an agency conducting a pilot project under this subsection shall provide for an evaluation of the impact of the project on the delivery of child care services to Federal employees, and shall submit the results of the evaluation to the Administrator of General

Services. The Administrator shall share the results with other Federal agencies.".

(e) BACKGROUND CHECK.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

"(g) Each child care center located in a federally owned or leased facility shall ensure that each employee of such center (including any employee whose employment began before the date of enactment of this subsection) shall undergo a criminal history background check consistent with section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).".

SEC. ___5. REQUIREMENT TO PROVIDE LACTATION SUPPORT IN NEW FEDERAL CHILD CARE FACILITIES.

(a) DEFINITIONS.—In this section, the terms "Federal agency", "executive facility", and "legislative facility" have the meanings given the terms in section ___2.

(b) LACTATION SUPPORT.—The head of each Federal agency shall require that each child care facility in an executive facility or a legislative facility that is first operated after the 1-year period beginning on the date of enactment of this Act by the Federal agency, or under a contract or licensing agreement with the Federal agency, shall provide reasonable accommodations for the needs of breastfed infants and their mothers, including providing a lactation area or a room for nursing mothers in part of the operating plan for the facility.