

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Bonnie Storm to Nicole Rabner re Coverage on Child Care Issues (partial) (1 page)	07/24/1998	P6/b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Domestic Policy Council (Nicole Rabner)
OA/Box Number: 15413

FOLDER TITLE:

Jeffords' Legislation re Federal Child Care [2]

2012-1035-S

kc1017

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Bonnie Storm to Nicole Rabner re Coverage on Child Care Issues (partial) (1 page)	07/24/1998	P6/b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Domestic Policy Council (Nicole Rabner)
OA/Box Number: 15413

FOLDER TITLE:

Jeffords' Legislation re Federal Child Care [2]

2012-1035-S
kc1017

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

[001]



bonnie.storm @ gsa.gov
07/24/98 04:06:00 PM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP
cc: susan.clampitt @ gsa.gov
Subject: Coverage on Child Care Issues for Susan Clampitt's absence

Nicole,
We've met several times when I was working for Linda Smith at DoD, both at the Child Care Conferences and at Quantico during Mrs. Clinton's visit. I'm now working for Susan at GSA. During her leave in August (1st through the 18th) I'll be covering for her. My phone numbers are: office (202) 208-5119, [REDACTED] P6/(b)(6)

[REDACTED] P6/(b)(6) Call me anytime.

Keith Donohue is also available; his number is 501-1054, his home phone is [REDACTED] P6/(b)(6)
Bonnie

Rachel Herschberg 501-3609

JEFFORDS S1490/GILMAN HR 2982

**QUALITY CHILD CARE
FOR
FEDERAL EMPLOYEES ACT
TRIBLE AMENDMENT**

July 8, 1998

H.R. 2982 - QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 3(b)(1) - STATE AND LOCAL LICENSING

PROVISION

- Requires child care facilities to obtain state and local licenses, or comply with their requirements
- Comply within 6 months of enactment
- Or make substantial progress toward complying as determined by the Administrator
- Contracts/licensing agreements must contain this requirement

ANALYSIS

- Centers must have a license to open or must comply with child care standards that encompass the state or local requirement for that geographic area.
- The Administrator has authority to issue waivers

H.R. 2982 - QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 3(b)(2) - HEALTH, SAFETY AND FACILITY EMPLOYEES STANDARDS

PROVISION

- The Administrator must establish governmentwide standards for Health, Safety and Facilities, and publish the requirements in a regulation
- Child care in Executive facilities must comply

ANALYSIS

- No governmentwide standards currently exist
- Some agencies, including GSA, have developed standards, and review compliance with standardized instruments
- Language leaves development of standards in the hands of the Executive branch; agencies will collaborate to develop standards

H.R. 2982 - QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 3(b)(3) - ACCREDITATION STANDARDS

PROVISION

- Governmentwide regulation will require, to the maximum extent possible, that Executive centers comply with accreditation standards
- Compliance, or substantial progress toward it, is required within five (5) years after enactment
- Contracts/licensing agreements with Providers must contain this condition

ANALYSIS

- Language does not require accreditation; centers must meet the standards for accreditation.
- The Administrator will determine if "substantial progress" toward meeting accreditation standards has been made
- Many centers are already accredited, or in the process with NAEYC
- Language does not have a 100% standard

H.R. 2982 - QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 3(b)(4)(A) - EVALUATION AND COMPLIANCE

PROVISION

- The Administrator must evaluate compliance with the requirements directly or through an entity independent of the sponsoring agency
- The Administrator must notify the sponsoring agency of identification of non-compliance

ANALYSIS

- Agencies must have an outside entity to review compliance
- Language does not preclude an agency from obtaining reviews from another agency

H.R. 2982 - QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 3(b)(4)(B) - EFFECT OF NON-COMPLIANCE

PROVISION

- The agency head must do, or require the Provider to:
 - Correct life threatening deficiencies within 2 days, and other deficiencies within 4 months of notification
 - Notify parents of identified deficiencies and provide a corrective action plan and post the notification for 5 days or until corrected
 - Certify to the Administrator that the center is in compliance
 - Close the facility, or the affected portion of the facility, if life threatening/risk of serious bodily harm deficiencies cannot be corrected within 2 days
 - Notify the Administrator if the facility, or affected portion of the facility, is closed

ANALYSIS

- Language does not define "life threatening" or "risk of serious bodily harm"; the Administrator makes this determination
- Notification to parents is required for all deficiencies, serious and minor; this legal requirement may open up the potential for litigation
- The agency head is responsible for closing the center, or the affected portion of the facility, if deficiencies cannot be corrected within specified timeframes

H.R. 2982 - QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 3(b)(4)(C), and 3(f) - COST REIMBURSEMENT FOR SERVICES

PROVISION

- Agencies in non-GSA facilities shall reimburse GSA for services rendered related to evaluation and compliance
- Multiple sponsors will pay a pro-rata share of costs
- The Administrator may provide technical assistance, studies, and reviews, on a reimbursable basis

ANALYSIS

- Language provides latitude for the Administrator to provide many services, and a requirement for reimbursement
- Agencies may need to budget for reimbursement to GSA for services

H.R. 2982 - QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 3(b)(5) - DISCLOSURE OF PRIOR VIOLATIONS TO PARENTS AND FACILITY EMPLOYEES

PROVISION

- Agencies and providers must provide copies of all notifications of past deficiencies and corrective actions taken to parents, upon request

ANALYSIS

- The Administrator will issue regulations requiring compliance

H.R. 2982 - QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 3(c) and (d) - LEGISLATIVE AND JUDICIAL BRANCH STANDARDS AND COMPLIANCE

PROVISION/ANALYSIS

- Legislative and Judicial Branch requirements mirror those of the Executive Branch

H.R. 2982 - QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 3(e) - APPLICATION (OVERSIGHT OF CENTERS AND DELEGATION OF AUTHORITY)

PROVISION

- The Administrator will delegate evaluation and compliance authorities and responsibilities to agencies with 8 or more centers in facilities they own or lease (non-GSA)

ANALYSIS

- The Administrator retains the requirement to establish and publish standards and requirements in a regulation
- Evaluation and compliance will be delegated to VA, USDA, DOT and NASA agency heads
- Centers in GSA facilities remain under GSA oversight; agencies with less than 8 centers which they control move under GSA oversight

H.R. 2982 - QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 3(g) - COUNCIL

PROVISION

- The Administrator shall establish an interagency child care council comprised of all agencies with eight (8) or more centers
- Judicial and Legislative Branch will have a representative on the council
- The council will develop and coordinate policy and share best practices

ANALYSIS

- Language does not preclude broader membership on the council
- The Interagency Federal Care Council has been formed

H.R. 2982 - QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 3(h) - AUTHORIZATION OF APPROPRIATIONS

PROVISION

- Authorizes \$900K for FY98 and "such sums as are necessary for each subsequent FY" to carry out the section

ANALYSIS

- \$900K authorization represents agency expenses, and reimbursables to GSA for evaluation and compliance services
- The amount does not include facilities construction and renovation costs

H.R. 2982 – QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 4(a) – AVAILABILITY OF FEDERAL CHILD CARE CENTERS FOR ONSITE CONTRACTORS; PERCENTAGE GOAL

PROVISION

- Children of Federal employees, onsite Federal contractors and dependent children who live with Federal employees or onsite contractors will be included in the 50% determination.
- The 50% requirement is calculated as aggregate enrollment governmentwide rather than center-by-center.
- The Administrator of GSA may enter into public-private partnerships, or contract with non-governmental entities to increase the capacity, quality, affordability or range of child care on a demonstration basis and waive the 50% requirement.

ANALYSIS

- Children of Federal employees and onsite contractors get priority enrollment
- Each provider at each individual child care center shall maintain the 50% rule as a goal for enrollment at the center. If enrollment drops below 50%, the provider must develop and implement a business plan with the sponsoring agency to achieve the goal within a reasonable timeframe.
- The plan must be approved by the Administrator of GSA.

H.R. 2982 – QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 4(b) – PAYMENT OF COSTS OF TRAINING PROGRAMS

PROVISION

- The sponsoring agency or GSA may pay accreditation fees, including renewal fees.
- Agencies that sponsor or plan to sponsor child care may reimburse any Federal employee or any person employed to provide child care services for the costs of training programs, conferences, and meetings and related travel and subsistence expenses.

ANALYSIS

The Government will be authorized to pay a center's accreditation fees and for the costs of training, in addition to travel expenses.

H.R. 2982 – QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 4(c) – PROVISION OF CHILD CARE BY PRIVATE ENTITIES

PROVISION

- The sponsoring agency, the board of directors or GSA may enter into agreements with one or more private entities under which the private entities would assist in defraying the general operating expenses of the child care provider, including, but not limited to, salaries and tuition assistance programs.
- If a Federal agency does not have a child care center or GSA has identified a need for child care for an agency that does not meet the criteria, the agency or GSA may enter into an agreement with an existing non-Federal, licensed, an accredited child care facility or a planned facility that will become licensed and accredited.

ANALYSIS

- The Federal agency must determine that the child care services to be provided are more cost effective than establishing a Federal child care facility.
- The agency may provide any of the services allowable under Title if the facility reserves child care spaces for children and dependent children of Federal employees and onsite contractors.

H.R. 2982 – QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 4(d) – PILOT PROJECTS

PROVISION

- An agency may conduct a pilot project not otherwise authorized by law for up to 2 years to test innovative approaches to providing alternative forms of quality child care.
- GSA will serve as the information clearinghouse for pilot projects.

ANALYSIS

- An agency head may extend a pilot project for an additional 2-year period.
- Within 6 months after the initial 2-year period, the agency must provide an evaluation of the project to GSA.
- The pilot project must be more cost effective than establishing a new child care facility.
- The sponsoring agency is responsible for any costs.

H.R. 2982 – QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 4(e) – BACKGROUND CHECKS

PROVISION

- All workers in any child care center located in federally owned or leased facilities shall undergo a criminal history background check.

ANALYSIS

- Background checks will be done in accordance with 42 U.S.C. 13401.

H.R. 2982 – QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 4(f) – USE OF APPROPRIATED FUNDS

PROVISION

- An agency that provides child care services in space owned or leased by the agency may use appropriated funds to establish a tuition subsidy program for Federal employees whose dependents are enrolled in that agency's child care facilities.

ANALYSIS

- Applies to executive, legislative and judicial agencies.
- Applies when the agency sponsors a center with other agencies in Government-owned or leased space.

H.R. 2982 – QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

SEC. 5 – REQUIREMENT TO PROVIDE LACTATION SUPPORT

PROVISION

- Each new child care facility shall provide reasonable accommodations for the needs of breast-fed infants and their mothers.

ANALYSIS

- Reasonable accommodation is defined as an area or a room.
- Applicable to each child care facility opened 1 year after enactment of this Act.

**OVERVIEW AND UPDATE
QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT & TRIBLE AMENDMENT
GENERAL SERVICES ADMINISTRATION
March 5, 1998**

S.1490/H.R.2982 - QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

Senator Jeffords and numerous co-sponsors introduced the "Quality Child Care for Federal Employees Act." The following major provisions affect non-DOD Federal child care centers:

- All non-DOD Federal centers must meet licensing requirements within 6 months of the enactment of the law and all must meet accreditation requirements within 5 years of enactment or make substantial progress toward licensing and accreditation, as determined by the Administrator of GSA.

- Agencies with fewer than 8 centers would fall under the operational oversight of GSA who would ensure compliance with all requirements; GSA will delegate authorities to agencies with 8 or more centers.

- GSA would develop standards for health, safety and facility design. Non-DoD Federal centers would be required to comply with the standards and notify parents of identified deficiencies. Life threatening deficiencies that may present a risk of serious bodily harm must be corrected within 2 business days, or the portion of the center must be closed until the deficiency is corrected. The agency sponsoring the center must notify the Administrator of GSA and a corrective plan must be developed and implemented.

- GSA would develop and publish a regulation containing the requirements mentioned above; Judicial and Legislative Branches would also be required to prepare and publish requirements similar in content and effect.

- Appropriations in the amount of \$900,000 in FY98 and such sums as are necessary beyond FY98, would be authorized. Under the proposed legislation, GSA would be reimbursed by other agencies for services it provides to non-GSA child care centers on behalf of other agencies. GSA would be able to provide requested reimbursable technical assistance, studies and reviews.

- GSA would establish an interagency council on child care, consisting of Federal agencies and the Judicial and Legislative branches.

TRIBLE

Tribble, 40 U.S.C. 490b, was passed in 1985 and provides authority for agencies to allot space in Federal facilities for child care. The agency must determine that the space will be used to provide child care to a group of whom at least 50% are Federal employees and that Federal employees will have priority for available child care services. The agency may provide the space without charge for rent or services (e.g. lighting, heating, cooling, electricity, office furniture, machines and equipment, classroom furnishings and equipment, kitchen equipment, playground equipment, telephone services, and security systems).

Tribble does not permit use of appropriated funds for operational costs such as personnel salaries and benefits, tuition assistance (except from recycling), office supplies, food, toys although the law does permit agencies to enter into consortia with private entities for child care in Federal space in which the private entity could assist in defraying the costs associated with the salaries and benefits of child care personnel.

AMENDMENTS TO TRIBLE

OMB approved a GSA legislative initiative to amend Tribble. The proposed amendments would:

- Broaden the 50% rule from individual centers to a governmentwide rule and require the GSA Administrator to confirm that the rule has been met; each center would maintain 50% Federal enrollment as a goal, and if the goal is not met, would be required to develop and implement a business plan to achieve the goal within a reasonable time-frame, as determined and approved by the Administrator.
- Broaden the definition of a Federal child to include other dependent children who live with Federal employees (nieces, nephews, grandchildren, foster children, etc.) and children of on-site government contractors.
- Allow agencies to pay for expenses (training and related travel, transportation and subsistence) related to training employees and child care personnel at meetings, conferences or other training. This would codify language contained in annual Appropriation Acts to provide permanent authority.
- Provide authority for pilot testing new strategies for providing quality child care to Federal employees for up to 2 years, with the possibility of a 2 year extension; the agency would be required to provide an evaluation to the Administrator within 6 months of completion of the initial 2 year pilot.

•Enable Federal agencies to provide services to non-Federal centers in exchange for spaces for Federal children; the facility would be required to be licensed and accredited, or have applied to become licensed and accredited. The proposed amendments would also authorize private entities to provide funds for general operating expenses and tuition assistance programs in Federal centers in exchange for slots in those centers.

STATUS OF S.1490 AND H.R.2982 - QUALITY CHILD CARE FOR FEDERAL EMPLOYEES ACT

S.1490 is in the beginning processes in the Senate. The legislation was scheduled to be approved by "unanimous consent" at the end of last session but was tabled due to apprehension in the House. Senator Thompson has not shown interest in moving this piece of legislation. Therefore, Senate Labor staff is filing for a joint referral to the Rules Committee, who wants to move this legislation quickly. A joint referral clause will force Senator Thompson to take action on this legislation. Charles O'Malley of The National Council for Private School Accreditation, William Tobin of The Early Childhood Development Center Legislative Coalition, and Gary Bauer of The Family Research Council will be meeting with Phyllis Schlafly of The Eagle Forum to convince her that this is a good piece of legislation and that she needs to support it publicly.

H.R.2982 has passed markup in the Subcommittee on Government Management, Information and Technology. Markup has been delayed in the Full Committee on House Government Reform and Oversight because of a letter sent to all Republican members from Phyllis Schlafly of the Eagle Forum. Ms. Schlafly's letter stated that this bill would be the first step in GSA taking over child care nation-wide. Phyllis Schlafly also disagrees with GSA using the National Association for the Education of Young Children as an accreditation firm because she has different philosophical views as to how children should be educated during early developmental stages.

A meeting with the Senate Labor Committee, House Government Reform and Oversight, and GSA is scheduled for Monday, March 9, 1998 to discuss further action on the bill as it relates to Ms. Schlafly's complaints about the proposed legislation.



susan.clampitt @ gsa.gov
07/24/98 11:42:00 AM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP

cc:

Subject: Child Care



- ccxea014.doc

Here's what Rachel sent out yesterday. I believe it's what you're looking for.
Looking forward to hearing about the meeting with Kimberly.

Forward Header

Subject: Child Care

Author: Rachel Hirschberg at GSA-A

Date: 07/23/1998 11:51 AM

Today, July 23, 1998, the House Government Reform & Oversight (Full Committee) mark-uped H.R.4280. H.R.4280 was introduced by Congresswoman Connie Morella. This bill authorized agencies to use appropriated fund for child care tuition subsidies. Congressman Ben Gilman, the sponsor of H.R.2982, offered his bill as an amendment to H.R.4280. The Committee graciously accepted this amendment to the bill, as well as Congressman Henry Waxman's amendment which states that no lead-based paint is to be used in Federal child care centers. The Committee passed H.R.4280 with all of the above amendments. Now, H.R.4280 will go to the Rules Committee so a voting date can be established...then off to the floor for a vote.

Landrieu will be the co-sponsor of H.R.4280 (minus the amendments) in the Senate. Minority staff on Senate Governmental Affairs and Senate Labor Committee has approved the language. I am still waiting to hear when S.1490 (companion of H.R.2982) will move to the Senate floor for unanimous consent.

CHARTER

INTERAGENCY CHILD CARE COUNCIL

1. Official designation: The name of this council is the Interagency Federal Child Care Council (IFCCC).

2. Background: Federal agencies, through statutory authority contained in 490b, 40 USC, have established more than 230 (non-Department of Defense (DoD)) child care centers in Federal facilities. The Office of Management and Budget (OMB) has asked the General Services Administration (GSA) to provide leadership among Federal agencies to address Federally sponsored child care quality, affordability, accessibility, and other topics of interest, and to publish guidance, best practices, and relevant policy. The establishment of an Interagency Federal Child Care Council will provide a forum for executive, legislative, and judicial branch agencies to collaborate in discussing and recommending governmentwide child care policy and guidance.

3. Functions: The functions of the Council include, but are not limited to:

a. Facilitate the exchange of information, and develop practical, professional governmentwide standards that preserve and protect the health, safety and welfare of children in child care centers in Federal facilities.

b. Make recommendations for new or improved legislation governing child care in Federal facilities.

c. Evaluate and determine what aspects of child care in Federal facilities need to be addressed in governmentwide policy, guidance, and regulations.

d. Recommend revisions and updated measures of compliance for health, safety and facility standards in child care regulations.

e. Promote and improve the affordability, accessibility, and quality of child care services provided by or through Federal agencies and organizations.

f. Establish strategies and goals for the work of the council, and provide working/task groups as needed.

4. Structure:

a. The Council consists of executive level senior leadership officials representing the child care program interests of their agency.

b. The Council has a working group consisting of a designated representative from each member agency. The representative should have substantial experience or knowledge of child care in the agency they represent.

5. Membership:

a. The council is composed of a senior representative from the legislative and judicial branches, and each of the following departments and agencies:

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Labor
Environmental Protection Agency
Federal Deposit Insurance Corporation
Federal Emergency Management Agency
Department of Health and Human Services
General Services Administration
Department of the Interior

Department of Justice
NARA
NASA
National Science Foundation
Office of Personnel Management
Social Security Administration
Department of State
Smithsonian Institute
Department of Transportation
Department of the Treasury
Department of Veterans Affairs

b. The Chairperson may invite additional representatives as deemed appropriate.

6. Support services: The Chairperson of the council is the GSA Associate Administrator for Management and Workplace Programs. The chairperson may appoint a vice chairperson. The GSA General Counsel will designate a legal advisor for the Council. The GSA Office of Real Property, Office of Governmentwide Policy will provide administrative support. The chairperson may establish subcommittees and interagency working groups as required to accomplish its functions.

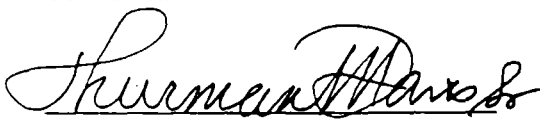
7. Meetings:

a. Council meetings are to be held annually, or as determined by the chairperson.

b. Working group meetings are to be held as required, but at least semi-annually

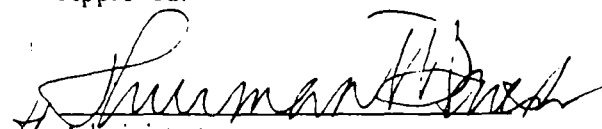
8. Records and reports: The supporting administrative staff maintains the necessary records. The Chairperson prepares any reports necessary to accomplish the Council's objectives and to keep agency officials advised. The reports are exempt from the reports control program.

Concurrence:


Deputy Administrator

1/30/98
Date

Approved:


Administrator

2/2/98
Date

F:\HAS\GR51\H2982.001

H.L.C.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2982
OFFERED BY MR. HORN**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. DEFINITIONS.

5 In this Act:

6 (1) ACCREDITED CHILD CARE ^{facility} ~~CENTER~~.—The
7 term "accredited child care ^{facility} ~~center~~" means ~~A~~

8 (A) a ^{facility} ~~center~~ that is accredited, by a child
9 care credentialing or accreditation entity ^{as defined in} ~~recogn-~~
10 ~~ized by a State, to provide child care to chil-~~
11 ~~dren in the State (except children who a tribal~~
12 ~~organization elects to serve through a center de-~~
13 ~~scribed in subparagraph (B));~~

14 (B) a center that is accredited, by a child
15 care credentialing or accreditation entity recog-
16 nized by a tribal organization, to provide child
17 care for children served by the tribal organiza-
18 tion;

F:\HAS\GR51\H2982.001

H.L.C.

2

1 ~~(A)~~ ⁸ a ~~center~~ ^{facility} that is used as a Head Start
 2 center under the Head Start Act (42 U.S.C.
 3 9831 et seq.) and is in compliance with any ap-
 4 plicable performance standards established by
 5 regulation under such Act for Head Start pro-
 6 grams; or

7 ~~(C) (D)~~ ^{an armed forces} a ~~military~~ ^{facility that is in} child development center ~~for~~
 8 ~~compliance with any applicable performance standards~~
 9 ~~defined in section 1798(1) of title 10, United~~
~~established by regulation, rule, or military order;~~
~~States Code)~~

10 (2) CHILD CARE ~~CREDENTIALING OR ACCREDI-~~
 11 TATION ENTITY.—The term “child care ~~credentialing~~
 12 ~~or accreditation~~ entity” means a nonprofit private
 13 organization or public agency that—

14 (A) is recognized by a State agency or ~~tribe~~ ^{by a national}
 15 ~~organization which serves as a~~ ^{organization which serves as a} ~~peer review~~
 16 ~~of public and private childcare and/or school accrediting~~ ^{panel for the standards and procedures}
 17 ~~division~~ ^{of public and private childcare and/or school accrediting} to provide child care on the basis of—
 18 ~~individual~~ ^{bodies}

18 (i) an accreditation or credentialing
 19 instrument based on peer-validated re-
 20 search;

21 (ii) compliance with applicable State
 22 ~~and~~ ^{or} local licensing requirements, ~~or stand-~~
 23 ~~ards described in section 658E(c)(2)(E)(ii)~~
 24 ~~of the Child Care and Development Block~~

F:\HAS\GR51\H2982.001

H.L.C.

3

1 ~~Grant Act (42 U.S.C. 9858e(e)(2)(E)(ii)),~~
2 as appropriate, for the ~~center or individual;~~ ^{facility}
3 (iii) outside monitoring of the ~~center~~ ^{facility}
4 ~~or individual;~~ and
5 (iv) criteria that provide assurances
6 of—

7 (I) ^{developmentally -} ~~compliance with age-appro-~~
8 piate health and safety standards at
9 the ~~center or by the individual;~~ ^{facility}
10 (II) use of ^{developmentally -} ~~age-appropriate devel-~~
11 ~~opmental and~~ educational activities, as
12 an integral part of the child care pro-
13 gram carried out at the ~~center or by~~ ^{facility}
14 ~~the individual;~~ and
15 (III) use of ongoing staff devel-
16 opment or training activities for the
17 staff of the ~~center or the individual;~~ ^{facility}
18 including related skills-based testing.

19 ~~(3) CREDENTIALLED CHILD CARE PROFES-~~
20 ~~SIONAL. The term "credentialed child care profes-~~
21 ~~sional" means—~~

22 ~~(A) an individual who is credentialed, by a~~
23 ~~child care credentialing or accreditation entity~~
24 ~~recognized by a State, to provide child care to~~
25 ~~children in the State (except children who a~~

February 11, 1998 (8:04 p.m.)

F:\HAS\GR51\H2982.001

H.L.C.

4

1 ~~tribal organization elects to serve through an~~
 2 ~~individual described in subparagraph (B)); or~~

3 ~~(B) an individual who is credentialed, by a~~
 4 ~~child care credentialing or accreditation entity~~
 5 ~~recognized by a tribal organization, to provide~~
 6 ~~child care for children served by the tribal orga-~~
 7 ~~nization.~~

8 (3) (4) STATE.—The term "State" has the mean-
 9 ing given the term in section 658P of the Child Care
 10 and Development Block Grant Act (42 U.S.C.
 11 9858n).

12 SEC. 3. PROVIDING QUALITY CHILD CARE IN FEDERAL FA-
 13 CILITIES.

14 (a) DEFINITION.—In this section:

15 (1) ADMINISTRATOR.—The term "Adminis-
 16 trator" means the Administrator of General Serv-
 17 ices.

18 (2) ENTITY SPONSORING A CHILD CARE FACILITY
 19 ~~FEE~~—The term "entity sponsoring a child care ~~cen-~~ FACILITY
 20 ter" means a Federal agency that operates, or an
 21 entity that enters into a contract or licensing agree-
 22 ment with a Federal agency to operate, a child care
 23 center, primarily for the use of Federal employees.

24 (3) EXECUTIVE AGENCY.—The term "Executive
 25 agency" has the meaning given the term in section

F:\HAS\GR51\H2982.001

H.L.C.

5

1 105 of title 5, United States Code, except that the
2 term—

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

5 (B) includes the General Services Adminis-
6 tration, with respect to the administration of a
7 facility described in paragraph (4)(B).

8 (4) EXECUTIVE FACILITY.—The term “execu-
9 tive facility”—

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

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

15 (5) FEDERAL AGENCY.—The term “Federal
16 agency” means an Executive agency, a judicial of-
17 fice, or a legislative office.

18 (6) JUDICIAL FACILITY.—The term “judicial fa-
19 cility” means a facility that is owned or leased by a
20 judicial office (other than a facility that is also a fa-
21 cility described in paragraph (4)(B)).

22 (7) JUDICIAL OFFICE.—The term “judicial of-
23 fice” means an entity of the judicial branch of the
24 Federal Government.

F:\HAS\GR51\H2982.001

H.L.C.

6

1 (8) LEGISLATIVE FACILITY.—The term “legisla-
 2 tive facility” means a facility that is owned or leased
 3 by a legislative office.

4 (9) LEGISLATIVE OFFICE.—The term “legisla-
 5 tive office” means an entity of the legislative branch
 6 of the Federal Government.

7 (b) EXECUTIVE BRANCH STANDARDS AND COMPLI-
 8 ANCE.—

9 (1) STATE AND LOCAL LICENSING REQUIRE-
 10 MENTS.—

11 (A) IN GENERAL.—Any entity sponsoring
 12 a child care ^{facility} ~~center~~ in an executive facility
 13 shall—

14 (i) obtain the appropriate State ^{or} ~~and~~
 15 local licenses for the center, ~~and~~

16 ^{Swap places} (ii) ~~in a location where the State or~~

17 ~~locality does not license executive facilities,~~
 18 ~~comply with the appropriate State and~~ ^{with child care standards that minimally encompass}

19 local licensing requirements related to the
 20 provision of child care ^{in that geographic area; or}

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

24 (i) the entity shall comply, or make
 25 substantial progress (as determined by the

F:\HAS\GR51\H2982.001

H.L.C.

7

1 Administrator) toward complying, with
2 subparagraph (A); and

3 (ii) any contract or licensing agree-
4 ment used by an Executive agency for the
5 operation of such a child care center shall
6 include a condition that the child care be
7 provided by an entity that complies with
8 the appropriate State ^{and} ~~and~~ local licensing
9 requirements related to the provision of
10 child care.

11 (2) HEALTH, SAFETY, AND FACILITY STAND-
12 ARDS.—The Administrator shall by regulation estab-
13 lish standards relating to health, safety, facilities, fa-
14 cility design, and other aspects of child care that the
15 Administrator determines to be appropriate for child
16 care ~~centers~~ in executive facilities, and require child
17 care ^{facilities} ~~centers~~, and entities sponsoring child care ~~cen-~~ ^{facilities}
18 ters, in executive facilities to comply with the stand-
19 ards.

20 (3) ACCREDITATION STANDARDS.—

21 (A) IN GENERAL.—The Administrator
22 shall issue regulations requiring, to the maxi-
23 mum extent possible, any entity sponsoring an
24 eligible child care center (as defined by the Ad-
25 ministrator) in an executive facility to comply

F:\HAS\GR51\H2982.001

H.I.C.

8

1 with child care center accreditation standards
2 as identified in section 2 (1) (A) of this act
3 issued by a nationally recognized accreditation
4 organization approved by the Administrator.

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

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

12 (ii) any contract or licensing agree-
13 ment used by an Executive agency for the
14 provision of child care services
15 operation of such a child care center shall
16 include a condition that the child care be
17 provided by an entity that complies with
18 the standards.

19 (C) CONTENTS.—The standards shall base
20 accreditation on—

21 (i) an accreditation instrument de-
22 scribed in section 2(2)(B);

23 (ii) outside monitoring described in
24 section 2(2)(B), by—

25 (I) the Administrator, or

(II) a child care credentialing or
accreditation entity, or other entity,

F:\HAS\GR51\H2982.001

H.L.C.

9

1 ~~with which the Administrator enters~~
2 ~~into a contract to provide such mon-~~
3 ~~itoring; and~~
4 ~~(iii) the criteria described in section~~
5 ~~2(2)(B).~~

6 (4) EVALUATION AND COMPLIANCE.—

7 (A) IN GENERAL.—The Administrator
8 shall evaluate the compliance, with the require-
9 ments of paragraph (1) and the regulations is-
10 sued pursuant to paragraphs (2) and (3), of
11 child care ~~centers~~ ^{facilities}, and entities sponsoring child
12 care ~~centers~~ ^{services}, in executive facilities. The Admin-
13 istrator may conduct the evaluation of such a
14 child care center or entity directly, or through
15 an agreement with another Federal agency or
16 private entity, other than the Federal agency
17 for which the child care ~~center~~ ^{facility} is providing
18 services. If the Administrator determines, on
19 the basis of such an evaluation, that the child
20 care ~~center~~ ^{facility} or entity is not in compliance with
21 the requirements, the Administrator shall notify
22 the Executive agency.

23 (B) EFFECT OF NONCOMPLIANCE.—On re-
24 ceipt of the notification of noncompliance issued

F:\HAS\GR51\H2982.001

H.L.C.

10

1 by the Administrator, the head of the Executive
2 agency shall—

3 (i) if the entity operating the child
4 care center is the agency—

5 ^{no later than} (I) ~~within~~ 2 business days after
6 the date of receipt of the notification
7 correct any deficiencies that are deter-
8 mined by the Administrator to be life
9 threatening or to present a risk of se-
10 rious bodily harm;

11 (II) develop and provide to the
12 Administrator a plan to correct any
13 other deficiencies in the operation of
14 the center and bring the center and
15 entity into compliance with the re-
16 quirements not later than 4 months
17 after the date of receipt of the notifi-
18 cation;

19 (III) provide the parents of the
20 children receiving child care services
21 at the center and employees of the
22 center with a notification detailing the
23 deficiencies described in subclauses (I)
24 and (II) and actions that will be taken
25 to correct the deficiencies, and post a

February 11, 1998 (8:04 p.m.)

F:\HAS\GR51\H2982.001

H.L.C.

11

- 1 copy of the notification in a conspicu-
2 ous place in the ~~center~~ ^{facility for a period of five working}
3 (IV) bring the ~~center~~ ^{facility} and entity ^{days or until the deficiencies}
4 into compliance with the requirements ^{are corrected whichever is later.}
5 and certify to the Administrator that
6 the ~~center~~ ^{facility} and entity are in compli-
7 ance, based on an on-site evaluation
8 of the ~~center~~ ^{facility} conducted by an inde-
9 pendent entity with expertise in child
10 care health and safety; and
- 11 (V) in the event that deficiencies
12 determined by the Administrator to be
13 life threatening or to present a risk of
14 serious bodily harm cannot be cor-
15 rected within 2 business days after
16 the date of receipt of the notification,
17 ~~close the center~~ ^{facility or the affected portion of the facility,} until such deficiencies
18 are corrected and notify the Adminis-
19 trator of such closure; and
- 20 (ii) if the entity operating the child
21 care ~~center~~ ^{facility} is a contractor or licensee of
22 the Executive agency—
- 23 (I) require the contractor or li-
24 censee ~~within~~ ^{no later than} 2 business days after
25 the date of receipt of the notification,

F:\HAS\GR51\H2982.001

H.L.C.

12

1 to correct any deficiencies that are de-
2 termined by the Administrator to be
3 life threatening or to present a risk of
4 serious bodily harm;

5 (II) require the contractor or li-
6 censee to develop and provide to the
7 head of the agency a plan to correct
8 any other deficiencies in the operation
9 of the center and bring the center and
10 entity into compliance with the re-
11 quirements not later than 4 months
12 after the date of receipt of the notifi-
13 cation;

14 (III) require the contractor or li-
15 censee to provide the parents of the
16 children receiving child care services
17 at the ^{facilities} center and employees of the
18 ^{facilities} center with a notification detailing the
19 deficiencies described in subclauses (I)
20 and (II) and actions that will be taken
21 to correct the deficiencies, and to post
22 a copy of the notification in a con-
23 spicuous place in the center ^{for 5 working days or until the} ~~center~~ ^{deficiency is corrected, which}
^{is later}
24 (IV) require the contractor or li-
25 censee to bring the ^{facilities} center and entity

February 11, 1998 (8:04 p.m.)

F:\HAS\GR51\H2982.001

H.L.C.

13

1 into compliance with the requirements
2 and certify to the head of the agency
3 that the ~~center~~^{facility} and entity are in com-
4 pliance, based on an on-site evaluation
5 of the ~~center~~^{facility} conducted by an inde-
6 pendent entity with expertise in child
7 care health and safety; and

8 (V) in the event that deficiencies
9 determined by the Administrator to be
10 life threatening or to present a risk of
11 serious bodily harm cannot be cor-
12 rected within 2 business days after
13 the date of receipt of the notification,
14 ~~facility or the affected portion of the facility~~
close the ~~center~~ until such deficiencies
15 are corrected and notify the Adminis-
16 trator of such closure, which closure
17 ~~shall~~^{may} be grounds for the immediate
18 termination or suspension of the con-
19 tract or license of the contractor or li-
20 censee.

21 (C) COST REIMBURSEMENT.—The Execu-
22 tive agency shall reimburse the Administrator
23 for the costs of carrying out subparagraph (A)
24 for child care ~~centers~~^{facilities} located in an executive fa-
25 cility other than an executive facility of the

February 11, 1998 (8:04 p.m.)

F:\HAS\GR51\H2982.001

H.L.C.

14

1 General Services Administration. If an entity is
2 sponsoring a child care ^{facility} ~~center~~ for 2 or more
3 Executive agencies, the Administrator shall allo-
4 cate the costs of providing such reimbursement
5 with respect to the entity among the agencies in
6 a fair and equitable manner, based on the ex-
7 tent to which each agency is eligible to place
8 children in the ^{facility} ~~center~~.

9 (5) DISCLOSURE OF PRIOR VIOLATIONS TO PAR-
10 ENTS AND ^{facility} ~~center~~ EMPLOYEES.—The Adminis-
11 trator shall issue regulations that require that each
12 Executive agency that operates a child care ^{facility} ~~center~~,
13 and each entity that enters into a contract or licens-
14 ing agreement with an Executive agency to operate
15 a child care ^{facility} ~~center~~, upon receipt by the ^{facility} ~~center~~ or the
16 agency or entity (as applicable) of a request by any
17 individual who is a parent of any child enrolled at
18 the ^{facility} ~~center~~, a parent of a child for whom there has
19 been submitted an application to enroll at the ^{facility} ~~cen-~~
20 ^{facility} ~~ter~~, or an employee of the ^{facility} ~~center~~, shall provide to
21 the individual—

22 (A) copies of all notifications of defi-
23 ciencies that have been provided in the past
24 with respect to the ^{facility} ~~center~~ under paragraph
25 (4)(B) (i)(III) or (ii)(III), as applicable; and

F:\HAS\GR51\H2982.001

H.L.C.

15

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

3 (c) LEGISLATIVE BRANCH STANDARDS AND COMPLI-
 4 ANCE.—

5 (1) STATE AND LOCAL LICENSING REQUIRE-

6 MENTS, HEALTH, SAFETY, AND FACILITY STAND-

7 ARDS, AND ACCREDITATION STANDARDS.—~~The Ar-~~

8 ~~chitect of the Capitol shall issue regulations approved by the~~

9 ~~House Oversight Committee governing the operation of the House~~

10 ~~Senate, and all other Federal agencies, other than~~

11 ~~the Department of Defense and the Coast Guard,~~

12 ~~jurisdiction over the Library of Congress, governing the operation~~

13 ~~of the child care center located at the Library of Congress. Those~~

14 no less stringent in content and effect than the re-

15 quirements of subsection (b)(1) and the regulations

16 issued by the Administrator under paragraphs (2)

17 and (3) of subsection (b), except to the extent that

18 ~~the Architect approved by the administrative officers~~, with the approval

19 ~~of the House, Senate, and all other Federal agen-~~ of the appropriate

20 ~~cies, other than the Department of Defense and the~~ Oversight responsibility for Centers, may jointly or independently

21 ~~Coast Guard, may~~ determine, for good cause shown

22 and stated together with the regulations, that a

23 modification of such regulations would be more ef-

24 fective for the implementation of the requirements

25 and standards described in paragraphs (1), (2), and

F:\HAS\GR51\H2982.001

H.L.C.

16

1 (3) of subsection (b) for child care ^{facilities} centers, and enti-
 2 ties sponsoring child care ^{services} centers, in legislative fa-
 3 cilities.

4 (2) EVALUATION AND COMPLIANCE.—

5 (A) ARCHITECT OF THE CAPITOL.—The ^{Chief Administrator}
 6 ^{officer of the House, Librarian of Congress, and} ~~Architect of the Capitol~~ shall have the same au-
 7 thorities and duties with respect to the evalua- ^{designated entity}
 8 tion of, compliance of, and cost reimbursement ^{in the Senate}
 9 for child care ^{facilities} centers, and entities sponsoring
 10 child care ^{services} centers, in legislative facilities as the
 11 Administrator has under subsection (b)(4) with
 12 respect to the evaluation of, compliance of, and
 13 cost reimbursement for such ^{facilities} centers and enti-
 14 ties sponsoring such ^{services} centers, in executive facili-
 15 ties.

16 (B) HEAD OF A LEGISLATIVE OFFICE.—
 17 ^{House Oversight Committee and Senate Rules Committee}
 18 The ~~head of a legislative office~~ shall have the
 19 same authorities and duties with respect to the
 20 compliance of and cost reimbursement for child
 21 care ^{facilities} centers, and entities sponsoring child care ^{services}
 22 centers, in legislative facilities as the head of an
 23 Executive agency has under subsection (b)(4)
 24 with respect to the compliance of and cost reim-
 25 bursement for such ^{facilities} centers and entities spon-
 26 soring such ^{services} centers, in executive facilities.

(3) Until such time as the Senate Rules Committee
 establishes rules and regulations governing the operation
 of the Senate Child Care Center, such facility shall
 maintain current accreditation status.

February 11, 1998 (8:04 p.m.)

F:\HAS\GR51\H2982.001

H.L.C.

17

1 (d) JUDICIAL BRANCH STANDARDS AND COMPLI-
2 ANCE.—

3 (1) STATE AND LOCAL LICENSING REQUIRE-
4 MENTS HEALTH, SAFETY, AND FACILITY STAND-
5 ARDS, AND ACCREDITATION STANDARDS.—The Di-
6 rector of the Administrative Office of the United
7 States Courts shall issue regulations for child care
8 ^{facilities} centers, and entities sponsoring child care ~~centers~~, in ^{Services}
9 judicial facilities, which shall be no less stringent in
10 content and effect than the requirements of sub-
11 section (b)(1) and the regulations issued by the Ad-
12 ministrator under paragraphs (2) and (3) of sub-
13 section (b), except to the extent that the Director
14 may determine, for good cause shown and stated to-
15 gether with the regulations, that a modification of
16 such regulations would be more effective for the im-
17 plementation of the requirements and standards de-
18 scribed in paragraphs (1), (2), and (3) of subsection
19 (b) for child care ^{facilities} centers, and entities sponsoring
20 ^{Services} child care ~~centers~~, in judicial facilities.

21 (2) EVALUATION AND COMPLIANCE.—

22 (A) DIRECTOR OF THE ADMINISTRATIVE
23 OFFICE OF THE UNITED STATES COURTS.—The
24 Director of the Administrative Office of the
25 United States Courts shall have the same au-

F:\HAS\GR51\H2982.001

H.L.C.

18

1 thorities and duties with respect to the evalua-
2 tion of, compliance of, and cost reimbursement
3 for child care ^{facilities} ~~centers~~, and entities sponsoring
4 ^{services} child care ~~centers~~, in judicial facilities as the
5 Administrator has under subsection (b)(4) with
6 respect to the evaluation of, compliance of, and
7 cost reimbursement for such centers and enti-
8 ties sponsoring such centers, in executive facili-
9 ties.

10 (B) HEAD OF A JUDICIAL OFFICE.—The
11 head of a judicial office shall have the same au-
12 thorities and duties with respect to the compli-
13 ance of and cost reimbursement for child care
14 ^{facilities} ~~centers~~, and entities sponsoring child care ^{services} ~~cen-~~
15 ~~ters~~, in judicial facilities as the head of an Ex-
16 ecutive agency has under subsection (b)(4) with
17 respect to the compliance of and cost reim-
18 bursement for such ^{facilities} ~~centers~~ and entities spon-
19 soring such ^{services} ~~centers~~, in executive facilities.

20 (e) APPLICATION.—Notwithstanding any other provi-
21 sion of this section, if 8 or more child care ^{facilities} ~~centers~~ are
22 sponsored in facilities owned or leased by an Executive
23 agency, the Administrator shall delegate to the head of
24 the agency the evaluation and compliance responsibilities
25 assigned to the Administrator under subsection (b)(4)(A).

F:\HAS\GR51\H2982.001

H.L.C.

19

1 (f) TECHNICAL ASSISTANCE, STUDIES, AND RE-
 2 VIEWS.—The Administrator may provide technical assist-
 3 ance, and conduct and provide the results of studies and
 4 reviews, for Executive agencies, and entities sponsoring
 5 child care centers in executive facilities, on a reimbursable
 6 basis, in order to assist the entities in complying with this
 7 section. The ~~Architect of the Capitol~~ and the Director of
 8 the Administrative Office of the United States Courts may
 9 provide technical assistance, and conduct and provide the
 10 results of studies and reviews, or request that the Admin-
 11 istrator provide technical assistance, and conduct and pro-
 12 vide the results of studies and reviews, for legislative of-
 13 fices and judicial offices, respectively, and entities operat-
 14 ing child care centers in legislative facilities and judicial
 15 facilities, respectively, on a reimbursable basis, in order
 16 to assist the entities in complying with this section.

17 (g) COUNCIL.—The Administrator shall establish an
 18 interagency council, comprised of all Executive agencies
 19 described in subsection (e), a representative of the Office
 20 of ~~Architect of the Capitol~~, and a representative of the
 21 Administrative Office of the United States Courts, to fa-
 22 cilitate cooperation and sharing of best practices, and to
 23 develop and coordinate policy, regarding the provision of
 24 child care, including ^{areas} ~~rooms~~ for nursing mothers and other

appropriate entity
 Chief Administrative Officer of the House
 Senate, in the
 Library of Congress,

Chief Admin. Officer of the House,
 appropriate Senate
 entity, Librarian
 of Congress

F:\HAS\GR51\H2982.001

H.L.C.

20

1 lactation support facilities and services, in the Federal
2 Government.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$900,000 for fiscal year 1998 and such sums as may be
6 necessary for each subsequent fiscal year.

7 **SEC. 4. MISCELLANEOUS PROVISIONS RELATING TO CHILD**
8 **CARE PROVIDED BY FEDERAL AGENCIES.**

9 (a) AVAILABILITY OF FEDERAL CHILD CARE CEN-
10 TERS FOR ON-SITE CONTRACTORS; PERCENTAGE
11 GOAL.—Section 616(a) of the Act of December 22, 1987
12 (40 U.S.C. 490b), is amended—

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

15 “(2) such officer or agency determines that
16 such space will be used to provide child care and re-
17 lated services to children of Federal employees or
18 on-site Federal contractors, or dependent children
19 who live with Federal employees or on-site Federal
20 contractors; and

21 “(3) such officer or agency determines that
22 such individual or entity will give priority for avail-
23 able child care and related services in such space to
24 Federal employees and on-site Federal contractors.”;
25 and

February 11, 1998 (8:04 p.m.)

F:\HAS\GR51\H2982.001

H.L.C.

21

1 (2) by adding at the end the following:

2 "(e)(1) The Administrator of General Services must
3 confirm that at least 50 percent of aggregate enrollment
4 in Federal child care centers governmentwide are children
5 of Federal employees or on-site Federal contractors, or de-
6 pendent children who live with Federal employees or on-
7 site Federal contractors. Each provider of child care serv-
8 ices at an individual Federal child care center shall main-
9 tain this percentage as a goal for enrollment at the center.
10 If enrollment at a center drops below the goal, the provider
11 shall develop and implement a business plan with the
12 sponsoring Federal agency to achieve the goal within a
13 reasonable timeframe. This plan must be approved by the
14 Administrator of General Services based on its compliance
15 with standards established by the Administrator, and its
16 effect on achieving the aggregate Federal enrollment per-
17 centage goal.

18 "(2) The Administrator of General Services Adminis-
19 tration may enter into public-private partnerships ^{or contracts with non-governmental} to in- ^{entities}
20 crease the capacity, quality, ^{affordability} or range of child care and
21 related services ^e and may, on a demonstration basis, waive
22 subsection (a)(3) and paragraph (1) of this subsection."

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

F:\HAS\GR51\H2982.001

H.L.C.

22

1 “(3) If an agency has a child care facility in its space,
2 or is a sponsoring agency for a child care facility in other
3 Federal or leased space, the agency or the General Serv-
4 ices Administration may pay accreditation fees, including
5 renewal fees, for that center to be accredited ~~by a nation-~~
6 ~~ally recognized early childhood professional organization.~~
7 Any agency, department, or instrumentality of the United
8 States that provides or proposes to provide child care serv-
9 ices for children referred to in subsection (a)(2), may re-
10 imburse any Federal employee or any person employed to
11 provide such services for the costs of training programs,
12 conferences, and meetings and related travel, transpor-
13 tation, and subsistence expenses incurred in connection
14 with those activities. Any per diem allowance made pursu-
15 ant to this section shall not exceed the rate specified in
16 regulations prescribed pursuant to section 5707 of title 5,
17 United States Code.”.

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

21 “(d)(1) If a Federal agency has a child care facility
22 in its space, or is a sponsoring agency for a child care
23 facility in other Federal or leased space, the agency, the
24 child care center board of directors, or the General Serv-
25 ices Administration may enter into an agreement with one

F:\HAS\GR51\H2982.001

H.L.C.

23

1 or more private entities under which such private entities
2 would assist in defraying the general operating expenses
3 of the child care provider including, but not limited to,
4 salaries and tuition assistance programs at the facility.

5 “(2)(A) Notwithstanding any other provision of law,
6 if a Federal agency does not have a child care program,
7 or if the Administrator of General Services has identified
8 a need for child care for Federal employees at an agency
9 providing child care services that do not meet the criteria
10 of subsection (a), the agency or the Administrator may
11 enter into an agreement with an existing non-Federal, li-
12 censed, and accredited child care facility, or a planned
13 child care facility that will become licensed and accredited,
14 for the provision of child care services for children of Fed-
15 eral employees.

16 “(B) Prior to entering into an agreement, the head
17 of the Federal agency must determine that child care serv-
18 ices to be provided through the agreement are more cost
19 effectively provided through this arrangement than
20 through establishment of a Federal child care facility.

21 “(C) The agency may provide any of the services de-
22 scribed in subsection (b)(3) if, in exchange for such serv-
23 ices, the facility reserves child care spaces for children re-
24 ferred to in subsection (a)(2), as agreed to by the parties.
25 The cost of any such services provided by an agency to

F:\HAS\GR51\H2982.001

H.L.C.

24

1 a child care facility on behalf of another agency shall be
2 reimbursed by the receiving agency.

3 “(3) This subsection does not apply to residential
4 child care programs.”.

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

8 “(f)(1) Upon approval of the agency head, an agency
9 may conduct a pilot project not otherwise authorized by
10 law for up to 2 years to test innovative approaches to pro-
11 viding alternative forms of quality child care assistance for
12 Federal employees. An agency head may extend a pilot
13 project for an additional 2-year period. Before any pilot
14 project may be implemented, a determination must be
15 made by the agency head that initiating the pilot project
16 would be more cost effective than establishing a new child
17 care facility. Costs of any pilot project shall be borne solely
18 by the agency conducting the pilot project.

19 “(2) The Administrator of General Services shall
20 serve as an information clearinghouse for pilot projects
21 initiated by other agencies to ^{disseminate} ~~provide~~ information concern-
22 ing the pilot projects to the other agencies.

23 “(3) Within 6 months after completion of the initial
24 2-year pilot project period, an agency conducting a pilot
25 project under this subsection shall provide for an evalua-

F:\HAS\GR51\H2982.001

H.L.C.

25

tion 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."

**SEC. 5. REQUIREMENT TO PROVIDE LACTATION SUPPORT
IN NEW FEDERAL CHILD CARE FACILITIES.**

The head of each Federal agency shall require that each child care ^{facility} ~~center~~ first operated after the one-year period beginning on the date of the 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 breast fed infants and their mothers, including by providing a lactation area or a room for nursing mothers as part of the operating plan for the center.

(e) Section 616 of such Act (40 USC 490b) is further amended by adding at the end the following:

"(g) all existing and newly hired workers in any child care center located in federally owned or leased facilities shall undergo a criminal history background check as defined in 42 USC 13401."

(f) Use of appropriated funds - If an executive, legislative or judicial agency ^{provides} child care services for agency employees with space owned or leased by ~~the~~ or for the use of such agency, or is a participant in a child care center in other federally ^{owned} ~~owned~~ or leased space, the agency may use appropriated funds to establish a tuition subsidy program for federal employees whose dependents are enrolled in that agency's child care facilities or provide basic support for that agency's child care facilities.

**Office of Congressional and
Intergovernmental Affairs
Washington, DC 20405**

February 12, 1998

MEMORANDUM FOR:

**DAVID BARRAM
ADMINISTRATOR (A)**

**THURMAN DAVIS
DEPUTY ADMINISTRATOR (AD)**

**MARTHA JOHNSON
CHIEF OF STAFF (AC)**

**ERIC DODDS
DEPUTY CHIEF OF STAFF (ACD)**

HEADS OF SERVICES AND STAFF OFFICES

REGIONAL ADMINISTRATORS

FROM:

**WILLIAM R. RATCHFORD
ASSOCIATE ADMINISTRATOR (S)**

**RACHEL HIRSCHBERG
CONGRESSIONAL LIAISON**

SUBJECT:

**Legislative Hearing on HR 2982, the "Quality Child
Care for Federal Employees Act"**

On Wednesday, February 11, 1998, at 2:00 p.m. and Thursday, February 12, 1998 at 10:00 a.m., a two-part hearing was conducted by the Subcommittee on Government Management, Information and Technology of the House Government Reform and Oversight Committee. The hearing addressed the quality, affordability and accessibility of child care for Federal employees.

Witnesses for the hearing were divided into two panels. Testifying on the first panel (February 11th) was Susan Clampitt, Associate Administrator for the

General Services Administration's (GSA) Management and Workplace Programs. The witness on the second panel (February 12th) was Congressman Ben Gilman from New York. (The panels were split due to time and scheduling constraints).

Members of the Subcommittee attending the hearing included Chairman Steve Horn and Ranking Member Carolyn Maloney.

Chairman Steve Horn opened the hearing with background information about the history of child care legislation in Congress. He stated that there is a need for child care facilities to be affordable and accessible to Federal government employees. He asked Susan Clampitt to summarize her opening statement so he could focus the time on questions to GSA.

Susan Clampitt entered her written testimony into the record which she summarized by stating that Federal workers walk the same tightrope as the rest of society - balancing the need to work and the desire to have quality child care. About one-quarter of all Federal workers have children under the age of six who need care at some time during the work day. Surveys show that 75% of these workers could use assistance to help meet their families' dependent care needs.

Ms. Clampitt stated that GSA oversees 109 child care centers in its public buildings across the country, and that other Federal agencies - not including GSA - sponsor a total of 133 centers. She continued by recognizing that the Federal child care system needs more adequate funding, better information, more cohesion, and more flexibility to pursue new funding and partnership initiatives. Further, Ms. Clampitt discussed how H.R. 2982 would help bring more accountability to Federal child care by requiring uniform regulations (health, safety, accreditation, licensing, and facility standards) for GSA and other agencies and representatives of the Judicial and Legislative branches. She also discussed how the amendments to the Tribble legislation would allow more flexible use of resources in supporting government-sponsored child care centers by broadening the definition of Federal employee children and allowing for demonstration projects.

Members' questions and concerns for GSA included: the need to raise standards and monitor them within Federal child care centers; creating a system of high quality, affordability and accessibility for Federal employees; and allowing for lactation areas for breast feeding mothers. The questions lasted approximately 1 hour 10 minutes.

Congressman Horn asked specific questions regarding contracts and licensing agreements, and asked that GSA's Legal Counsel for Child Care, Lesly Wilson, be sworn in to answer a few technical questions. Lesly discussed standard

forms of the licensing agreements between child care providers and government agencies as the Congressman was interested in "Hold Harmless" clauses. Mr. Horn wanted to make sure that a child care provider would be held liable for their actions if they were found to be illegal, non-compliant etc.

Congressman Gilman testified on February 12th that there is a need for enhanced standards for Federal child care centers. Mr. Gilman will offer amendments to provide that 50% of spaces in Federally-sponsored child care centers be reserved for sons and daughters of Federal employees system-wide, as opposed to the current requirement that each center have 50% children of Federal employees.

The Subcommittee mark up of H.R. 2982 followed Congressman Gilman's testimony. Two amendments were offered and approved by voice vote. The first amendment would ensure that a lactation area or room would be provided for nursing mothers, and the second amendment would ensure parental notification of problems in Federal child care facilities. The Full Committee mark up, expected to occur today, was postponed for one month due to pending discussions on child care.

This legislation is expected to be approved when considered in the House. Identical legislation (S. 1490) will soon go to the floor of the Senate for a unanimous consent vote.

If you have any questions or would like a copy of Susan Clampitt and/or Congressman Gilman's written testimony, please call Bill Ratchford or Rachel Hirschberg at (202) 501-0563.

2/12/98

To: Susan

From: Cheryl

The following people assisted in preparing your for the 2/11 hearing:

**Von Harrison
Lesly Wilson
Sharon Roach
Nancy Norris (Reg 4 Regnl Child Care Coor)
Keith Donohue
Lucy Hackney
Rachel Hirschberg
Cheryl De Atley
David Bibb**



STATEMENT OF SUSAN CLAMPITT
ASSOCIATE ADMINISTRATOR
OFFICE OF MANAGEMENT AND WORKPLACE PROGRAMS
GENERAL SERVICES ADMINISTRATION
BEFORE THE
SUBCOMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION AND TECHNOLOGY
COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
U. S. HOUSE OF REPRESENTATIVES
FEBRUARY 11, 1998





Thank you, Mr. Chairman, Ms. Ranking Member and Members of the Committee for this opportunity to testify on the issue of child care and the work of the General Services Administration. My name is Susan Clampitt, and I am the Associate Administrator for the Office of Management and Workplace Programs. As manager of a program that affects all of government, I understand the seriousness and importance of the role of this Committee. I welcome the chance to appear before you and continue our conversation on the Federal Child Care program.

I request that my written remarks be added to the record.

At this transformational moment in our society, when the way we work and care for our families evolves into an ever-trickier balancing act, the issue of affordable, quality child care confronts us all. Parents with young children struggle with what's best for their family, their jobs and budgets. All of us are stakeholders in that decision, for the choices made today have a profound ripple effect on us all, today and in the years ahead, when those children grow up and replace us.



-2-

Federal workers walk that same tightrope as the rest of society. A 1992 study showed that about one-quarter of all Federal workers had children under the age of six for whom they were responsible and who needed care at some time during the work day. That same survey said that 75 percent of those people could use assistance to help meet their families' dependent care needs. That's a lot of children.

Federal agencies have responded to that need in a number of ways. GSA oversees 109 centers in its public buildings across the country. As you know, the Department of Defense has an extensive child care program that they operate for military families, funded in part through appropriations. Other Federal agencies, not including GSA, sponsor a total of 133 centers.

Today, I want to discuss generally GSA's child care program and talk about the two critical issues we face – quality and affordability, and to give you my thoughts on the pending legislation that we believe strengthens the ability of the Federal government to provide affordable, quality child care for its employees.



-3-

Child care has been a big priority at GSA for a dozen years. In that time, we have earned a reputation for quality programs and concern for the safety and security of the children. In 1996, more than 7,100 children – a mix of Federal and non-Federal families – were cared for in GSA buildings. Since coming to GSA last summer, I have made it part of my mission to go out and visit some of those centers and see firsthand the care those children receive.

I am pleased to report that the overall quality of child care in GSA-sponsored centers is equal to, and often, better than other privately-run child care facilities. The centers in GSA-controlled space are all operated by private non-profit or commercial organizations under the terms of licensing agreements which set standards designed to ensure quality. Because of this authority to set standards, we know these children in GSA-controlled spaces are safe and well cared for.

As with any child care program as extensive as the one GSA sponsors, there are differences of degrees in quality. One downtown center that I visited in Seattle last month, for example, was an oasis of care and compassion. Of course, that center had a strong and active board and a staff committed to quality curriculum and best practices. Part of our job in the years ahead is to raise the bar for all of our centers.



-4-

Each of GSA's 109 centers is operated independently, either by a large or small provider, for profit or not-for-profit, locally-run or as part of a national chain.

Some of the centers have established boards, made up primarily of parents, who enter into contracts with the child care provider to maintain a degree of responsibility and oversight for the care of their children. These boards are also instrumental in local fundraising, which is used for curriculum enrichment and tuition assistance.

GSA, parents, providers, Congress and the Administration have been concerned for some time about affordability issues. Last year Congress directed the Office of Management & Budget to report on that topic, and OMB requested that we investigate. GSA commissioned a study through the National Academy of Public Administration on "Accessibility & Affordability in Federal Child Care" which addresses those issues.

Key findings of the study were:

- The Federal child care system needs more adequate funding.



-5-

- Federal child care needs better information and more cohesion.
- Agencies may need more flexibility to pursue new funding and partnership initiatives.
- There is no "silver bullet" that will solve the affordability problem.

How do we go about addressing consistency in quality and affordability? We believe that the legislation pending before Congress, H.R. 2982, the Quality Child Care for Federal Employees Act, and the Administration's proposed amendments to the Triple Amendment, are important steps.

H.R. 2982 will help bring more accountability to Federal child care. All Federal child care centers would be required to adhere to a uniform set of regulations which will be developed by GSA with the assistance of other agencies and representatives of the Judicial and Legislative branches. These regulations would help set national health, safety and facility standards and require that centers meet the standards for state/local licensing and national accreditation.



-6-

While agencies which sponsor eight or more child care centers would be delegated responsibility for compliance with the law, child care centers at other Federal, non-DOD agencies which sponsor fewer than eight would come under GSA oversight.

The legislation also sets up an interagency council to coordinate policy and share best practices. This council will give more cohesion to the Federal efforts, and a draft charter has already been developed.

The Administration's proposed amendments to the Triple Amendment would allow more flexible use of resources in supporting government-sponsored child care centers.

It modifies the 50 percent rule for Federal family enrollment from center by center to a national average, yet children of Federal workers would still have priority.

The proposed language broadens the definition of Federal employee children to include all children in the custody of federal employees, such as grandparents and legal guardians, as well as on-site government contractors.



-7-

It will allow us to partner with private centers to reserve spaces for Federal employee children in non-government child care centers when it is more cost effective to do so.

Perhaps most importantly, the legislation allows for some experimentation. Pilot tests and demonstration projects are authorized and encouraged, including those with the private sector. This flexibility for innovation may well prove the most important part of the package. Such innovation will need to have some evaluation component, in order for us to determine what works and what does not.

The Quality Child Care for Federal Employees Act and its amendments are part of the strategy to make quality child care affordable for the Federal worker. We have asked all of our eligible centers to apply for participation in the Combined



-8-

Federal Campaign, and that will help address the problem. The Interagency Child Care Council will help. The lessons learned from the Department of Defense and the Department of Labor's apprenticeship program for child care workers will help. Flexibility for pilot partnerships will help. Strong local boards at our centers will help. And I know this Committee will help, and I thank you for this opportunity.