

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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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 Justice
Department of Commerce	NARA
Department of Defense	NASA
Department of Education	National Science Foundation
Department of Energy	Office of Personnel Management
Department of Labor	Social Security Administration
Environmental Protection Agency	Department of State
Federal Deposit Insurance Corporation	Smithsonian
Federal Emergency Management Agency	Department of Transportation
Department of Health and Human Services	Department of Treasury
General Services Administration	Department of Veterans Affairs
Department of Interior	

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 appropriate, 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.

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**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} recog-
10 ~~nized 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;

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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 facility that is in} a ~~military~~ 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~~ ^{organization which serves as a ~~peer~~ peer review}
 16 ~~of public and private childcare and/or school accrediting~~ ^{panel for the standards and procedures}
 17 ~~dividual~~ ^{(B) accredits a ~~center or credentials an in-~~ facility} ^{bodies}
 to provide child care on the basis of—

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~~

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1 ~~Grant Act (42 U.S.C. 9858a(a)(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) ^{developmentally -} use of ~~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) CREDENTIALED 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~~

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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) (A) 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} GEN-
 19 ~~TER~~.—The term "entity sponsoring a child care ^{FACILITY} cen-
 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

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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 “exccu-
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.

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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 ~~center~~ ^{facility} in an executive facility
 13 shall—

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

16 ~~(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

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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 ~~con-~~ ^{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

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1 with child care center accreditation standards
2 as identified in section 2 (2) (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 services operation of such a child care center shall
15 include a condition that the child care be
16 provided by an entity that complies with
17 the standards.

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

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

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

24 (I) the Administrator, or

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

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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 ^{facilities} centers, and entities sponsoring child
12 care ^{services} centers, 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 ^{facility} center is providing
18 services. If the Administrator determines, on
19 the basis of such an evaluation, that the child
20 care ^{facility} center 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

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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

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- 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 ^{facility or the affected portion of the facility,}
18 close the ~~center~~ until such deficiencies
19 are corrected and notify the Adminis-
20 trator of such closure; and
- 21 (ii) if the entity operating the child
22 care ~~center~~ ^{facility} is a contractor or licensee of
23 the Executive agency—
- 24 (I) require the contractor or li-
25 censee ^{no later than} within 2 business days after
the date of receipt of the notification,

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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 ^{facility} ~~center~~ and employees of the
18 ^{facility} ~~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 ^{facility} ~~center~~ ^{for 5 working days or until the}
^{deficiency is corrected, which}
^{ever is later}
24 (IV) require the contractor or li-
25 censee to bring the ^{facility} ~~center~~ and entity

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1 into compliance with the requirements
2 and certify to the head of the agency
3 that the ^{facility} center and entity are in com-
4 pliance, based on an on-site evaluation
5 of the ^{facility} center 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 ^{may} ~~shall~~ 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 ^{facilities} ~~centers~~ located in an executive fa-
25 cility other than an executive facility of the

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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 ~~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

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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-~~ *The Chief Administrative*
 8 ~~chitect of the Capitol shall issue regulations ap-~~ *proved by the*
 9 ~~proved by the administrative officers of the House,~~ *House Oversight Committee governing the operation of the House*
 10 ~~child care center, the Librarian of Congress shall issue regulations,~~ *proved by the administrative officers of the House,*
 11 ~~Senate, and all other Federal agencies, other than~~ *child care center, the Librarian of Congress shall issue regulations,*
 12 ~~approved by the appropriate House and Senate Committees with~~ *Senate, and all other Federal agencies, other than*
 13 ~~the Department of Defense and the Coast Guard,~~ *approved by the appropriate House and Senate Committees with*
 14 ~~jurisdiction over the Library of Congress, governing the operation~~ *the Department of Defense and the Coast Guard,*
 15 ~~for child care centers, and entities sponsoring child~~ *jurisdiction over the Library of Congress, governing the operation*
 16 ~~of the child care center located at the Library of Congress. Those~~ *for child care centers, and entities sponsoring child*
 17 ~~care centers, in legislative facilities, which shall be regulations~~ *of the child care center located at the Library of Congress. Those*
 18 *care centers, in legislative facilities, which shall be regulations*
 19 no less stringent in content and effect than the re-
 20 quirements of subsection (b)(1) and the regulations
 21 issued by the Administrator under paragraphs (2)
 22 and (3) of subsection (b), except to the extent that
 23 ~~the Architect approved by the administrative officers~~ *appropriate*
 24 ~~of the House, Senate, and all other Federal agen-~~ *ies, with the approval*
 25 ~~cies, other than the Department of Defense and the~~ *of the appropriate*
 26 ~~Coast Guard, may determine, for good cause shown~~ *House and Senate Committees with*
 27 ~~and stated together with the regulations, that a~~ *oversight responsibility for centers, may jointly or independently*
 28 ~~modification of such regulations would be more ef-~~ *cies, other than the Department of Defense and the*
 29 ~~fective for the implementation of the requirements~~
 30 and standards described in paragraphs (1), (2), and

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

4 (2) EVALUATION AND COMPLIANCE.—

5 (A) ARCHITECT OF THE CAPITOL.—The ^{Chief Administrative}
 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 enim}
 8 tion of, compliance of, and cost reimbursement ^{in the Senate}
 9 for child care ^{facilities} ~~centers~~, and entities sponsoring
 10 ^{services} child care ~~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.

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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-

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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).

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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 Librarian
 of Congress

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

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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

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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-
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:

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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

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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

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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-

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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.