

106TH CONGRESS
1ST SESSION

H. R. 28

To provide for greater access to child care services for Federal employees.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. GILMAN (for himself, Mrs. MORELLA, Mrs. MALONEY of New York, Mr. WAXMAN, Mr. ROMERO-BARCELÓ, Mrs. KELLY, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for greater access to child care services for
Federal employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Quality Child Care
5 for Federal Employees Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ACCREDITED CHILD CARE FACILITY.—The
2 term “accredited child care facility” means—

3 (A) a facility that is accredited, by a child
4 care accreditation entity, as defined in para-
5 graph (2);

6 (B) a facility that is used as a Head Start
7 center under the Head Start Act (42 U.S.C.
8 9831 et seq.) and is in compliance with any ap-
9 plicable performance standards established by
10 regulation under such Act for Head Start pro-
11 grams; or

12 (C) an armed forces child development fa-
13 cility that is in compliance with any applicable
14 performance standards established by regula-
15 tion, rule, or military order.

16 (2) CHILD CARE ACCREDITATION ENTITY.—The
17 term “child care accreditation entity” means a non-
18 profit private organization or public agency that—

19 (A) is recognized by a State agency or by
20 a national organization which serves as a peer
21 review panel for the standards and procedures
22 of public and private childcare or school accred-
23 iting bodies; and

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

1 (i) an accreditation or credentialing
2 instrument based on peer-validated re-
3 search;

4 (ii) compliance with applicable State
5 or local licensing requirements, as appro-
6 priate, for the facility;

7 (iii) outside monitoring of the facility;

8 and

9 (iv) criteria that provide assurances
10 of—

11 (I) developmentally appropriate
12 health and safety standards at the fa-
13 cility;

14 (II) use of developmentally ap-
15 propriate educational activities, as an
16 integral part of the child care pro-
17 gram carried out at the facility; and

18 (III) use of ongoing staff devel-
19 opment or training activities for the
20 staff of the facility, including related
21 skills-based testing.

22 (3) STATE.—The term “State” has the mean-
23 ing given the term in section 658P of the Child Care
24 and Development Block Grant Act (42 U.S.C.
25 9858n).

1 **SEC. 3. PROVIDING QUALITY CHILD CARE IN FEDERAL FA-**
2 **CILITIES.**

3 (a) DEFINITION.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of General Serv-
6 ices.

7 (2) ENTITY SPONSORING A CHILD CARE FACIL-
8 ITY.—The term “entity sponsoring a child care facil-
9 ity” means a Federal agency that operates, or an
10 entity that enters into a contract or licensing agree-
11 ment with a Federal agency to operate, a child care
12 center primarily for the use of Federal employees.

13 (3) EXECUTIVE AGENCY.—The term “Executive
14 agency” has the meaning given the term in section
15 105 of title 5, United States Code, except that the
16 term—

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

19 (B) includes the General Services Adminis-
20 tration, with respect to the administration of a
21 facility described in paragraph (4)(B).

22 (4) EXECUTIVE FACILITY.—The term “execu-
23 tive facility”—

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

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

4 (5) FEDERAL AGENCY.—The term “Federal
5 agency” means an Executive agency or a judicial of-
6 fice.

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

11 (7) JUDICIAL OFFICE.—The term “judicial of-
12 fice” means an entity of the judicial branch of the
13 Federal Government.

14 (b) EXECUTIVE BRANCH STANDARDS AND COMPLI-
15 ANCE.—

16 (1) STATE AND LOCAL LICENSING REQUIRE-
17 MENTS.—

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

21 (i) comply with childcare standards
22 that minimally encompass State or local li-
23 censing requirements related to the provi-
24 sion of child care in that geographic area;
25 or

1 (ii) obtain the appropriate State or
2 local licenses for the facility.

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

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

10 (ii) any contract or licensing agree-
11 ment used by an Executive agency for the
12 operation of such a child care center shall
13 include a condition that the child care be
14 provided by an entity that complies with
15 the appropriate State or local licensing re-
16 quirements related to the provision of child
17 care.

18 (2) HEALTH, SAFETY, AND FACILITY STAND-
19 ARDS.—The Administrator shall by regulation estab-
20 lish standards relating to health, safety, facilities, fa-
21 cility design, and other aspects of child care that the
22 Administrator determines to be appropriate for child
23 care in executive facilities, and require child care fa-
24 cilities, and entities sponsoring child care facilities,
25 in executive facilities to comply with the standards.

1 Such standards shall include requirements that child
2 care facilities be inspected for, and be free of, lead
3 hazards.

4 (3) ACCREDITATION STANDARDS.—

5 (A) IN GENERAL.—The Administrator
6 shall issue regulations requiring, to the maxi-
7 mum extent possible, any entity sponsoring an
8 eligible child care center (as defined by the Ad-
9 ministrator) in an executive facility to comply
10 with child care accreditation standards as iden-
11 tified in section 2(2)(A).

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

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

19 (ii) any contract or licensing agree-
20 ment used by an Executive agency for the
21 provision of child care services shall in-
22 clude a condition that the child care be
23 provided by an entity that complies with
24 the standards.

25 (4) EVALUATION AND COMPLIANCE.—

1 (A) IN GENERAL.—The Administrator
2 shall evaluate the compliance, with the require-
3 ments of paragraph (1) and the regulations
4 issued pursuant to paragraphs (2) and (3), of
5 child care facilities, and entities sponsoring
6 child care services, in executive facilities. The
7 Administrator may conduct the evaluation of
8 such a child care center or entity directly, or
9 through an agreement with another Federal
10 agency or private entity, other than the Federal
11 agency for which the child care facility is pro-
12 viding services. If the Administrator deter-
13 mines, on the basis of such an evaluation, that
14 the child care facility or entity is not in compli-
15 ance with the requirements, the Administrator
16 shall notify the Executive agency.

17 (B) EFFECT OF NONCOMPLIANCE.—On re-
18 ceipt of the notification of noncompliance issued
19 by the Administrator, the head of the Executive
20 agency shall—

21 (i) if the entity operating the child
22 care center is the agency—

23 (I) no later than 2 business days
24 after the date of receipt of the notifi-
25 cation correct any deficiencies that

1 are determined by the Administrator
2 to be life threatening or to present a
3 risk of serious bodily harm;

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

12 (III) provide the parents of the
13 children receiving child care services
14 at the center and employees of the
15 center with a notification detailing the
16 deficiencies described in subclauses (I)
17 and (II) and actions that will be taken
18 to correct the deficiencies, and post a
19 copy of the notification in a conspicu-
20 ous place in the facility for a period of
21 5 working days or until the defi-
22 ciencies are corrected, whichever is
23 later;

24 (IV) bring the facility and entity
25 into compliance with the requirements

1 and certify to the Administrator that
2 the facility and entity are in compli-
3 ance, based on an on-site evaluation
4 of the facility conducted by an inde-
5 pendent entity with expertise in child
6 care health and safety; and

7 (V) in the event that deficiencies
8 determined by the Administrator to be
9 life threatening or to present a risk of
10 serious bodily harm cannot be cor-
11 rected within 2 business days after
12 the date of receipt of the notification,
13 close the facility or the affected por-
14 tion of the facility, until such defi-
15 ciencies are corrected and notify the
16 Administrator of such closure; and

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

20 (I) require the contractor or li-
21 censee no later than 2 business days
22 after the date of receipt of the notifi-
23 cation, to correct any deficiencies that
24 are determined by the Administrator

1 to be life threatening or to present a
2 risk of serious bodily harm:

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

12 (III) require the contractor or li-
13 censee to provide the parents of the
14 children receiving child care services
15 at the facility and employees of the fa-
16 cility with a notification detailing the
17 deficiencies described in subclauses (I)
18 and (II) and actions that will be taken
19 to correct the deficiencies, and to post
20 a copy of the notification in a con-
21 spicuous place in the facility for 5
22 working days or until the deficiency is
23 corrected, whichever is later;

24 (IV) require the contractor or li-
25 censee to bring the facility and entity

1 into compliance with the requirements
2 and certify to the head of the agency
3 that the facility and entity are in com-
4 pliance, based on an on-site evaluation
5 of the 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 close the facility or the affected por-
15 tion of the facility until such defi-
16 ciencies are corrected and notify the
17 Administrator of such closure, which
18 closure may be grounds for the imme-
19 diate termination or suspension of the
20 contract or license of the contractor or
21 licensee.

22 (C) COST REIMBURSEMENT.—The Execu-
23 tive agency shall reimburse the Administrator
24 for the costs of carrying out subparagraph (A)
25 for child care facilities located in an executive

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

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

23 (A) copies of all notifications of defi-
24 ciencies that have been provided in the past

1 with respect to the facility under paragraph
2 (4)(B) (i)(III) or (ii)(III), as applicable; and
3 (B) a description of the actions that were
4 taken to correct the deficiencies.

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

11 (d) TECHNICAL ASSISTANCE, STUDIES, AND RE-
12 VIEWS.—The Administrator may provide technical assist-
13 ance, and conduct and provide the results of studies and
14 reviews, for Executive agencies, and entities sponsoring
15 child care centers in executive facilities, on a reimbursable
16 basis, in order to assist the entities in complying with this
17 section.

18 (e) COUNCIL.—The Administrator shall establish an
19 interagency council, comprised of all Executive agencies
20 described in subsection (d), to facilitate cooperation and
21 sharing of best practices, and to develop and coordinate
22 policy, regarding the provision of child care, including
23 areas for nursing mothers and other lactation support fa-
24 cilities and services, in the Federal Government.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$900,000 for fiscal year 2000 and such sums as may be
4 necessary for each subsequent fiscal year.

5 **SEC. 4. MISCELLANEOUS PROVISIONS RELATING TO CHILD**
6 **CARE PROVIDED BY FEDERAL AGENCIES.**

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

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

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

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

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

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

17 “(2) The Administrator of General Services Adminis-
18 tration may enter into public-private partnerships or con-
19 tracts with nongovernmental entities to increase the ca-
20 pacity, quality, affordability, or range of child care and
21 related services 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:

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. Any agency,
6 department, or instrumentality of the United States that
7 provides or proposes to provide child care services for chil-
8 dren referred to in subsection (a)(2), may reimburse any
9 Federal employee or any person employed to provide such
10 services for the costs of training programs, conferences,
11 and meetings and related travel, transportation, and sub-
12 sistence expenses incurred in connection with those activi-
13 ties. Any per diem allowance made pursuant to this section
14 shall not exceed the rate specified in regulations pre-
15 scribed pursuant to section 5707 of title 5, United States
16 Code.”.

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

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

1 would assist in defraying the general operating expenses
2 of the child care provider including, but not limited to,
3 salaries and tuition assistance programs at the facility.

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

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

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

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 information con-
22 cerning 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-

1 tion of the impact of the project on the delivery of child
2 care services to Federal employees, and shall submit the
3 results of the evaluation to the Administrator of General
4 Services. The Administrator shall share the results with
5 other Federal agencies.”.

6 (e) BACKGROUND CHECK.—Section 616 of such Act
7 (40 U.S.C. 490b) is further amended by adding at the
8 end the following:

9 “(g) All existing and newly hired workers in any child
10 care center located in federally owned or leased facilities
11 shall undergo a criminal history background check as de-
12 fined in 42 U.S.C. 13401.”.

13 **SEC. 5. REQUIREMENT TO PROVIDE LACTATION SUPPORT**
14 **IN NEW EXECUTIVE CHILD CARE FACILITIES.**

15 The head of each Federal agency shall require that
16 each child care facility first operated after the one-year
17 period beginning on the date of the enactment of this Act
18 by the Federal agency, or under a contract or licensing
19 agreement with the Federal agency, shall provide reason-
20 able accommodations for the needs of breast fed infants
21 and their mothers, including by providing a lactation area
22 or a room for nursing mothers as part of the operating
23 plan for the center.

○