

106TH CONGRESS
2D SESSION

S. 2236

To establish programs to improve the health and safety of children receiving child care outside the home, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2000

Mr. FRIST (for himself and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish programs to improve the health and safety of children receiving child care outside the home, and for other purposes.

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 “Children’s Day Care
5 Health and Safety Improvement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) of the 21,000,000 children under age 6 in
2 the United States, almost 13,000,000 spend some
3 part of their day in child care;

4 (2) a review of State child care regulations in
5 47 States found that more than half of the States
6 had inadequate standards or no standards for $\frac{2}{3}$ of
7 the safety topics reviewed;

8 (3) a research study conducted by the Con-
9 sumer Product Safety Commission in 1998 found
10 that $\frac{2}{3}$ of the 200 licensed child care settings inves-
11 tigated in the study exhibited at least 1 of 8 safety
12 hazards investigated, including insufficient child
13 safety gates, cribs with soft bedding, and unsafe
14 playground surfacing;

15 (4) compliance with recently published vol-
16 untary national safety standards developed by public
17 health and pediatric experts was found to vary con-
18 siderably by State, and the States ranged from a 20
19 percent to a 99 percent compliance rate;

20 (5) in 1997, approximately 31,000 children
21 ages 4 and younger were treated in hospital emer-
22 gency rooms for injuries in child care or school set-
23 tings;

1 (6) the Consumer Product Safety Commission
2 reports that at least 56 children have died in child
3 care settings since 1990;

4 (7) the American Academy of Pediatrics identi-
5 fies safe facilities, equipment, and transportation as
6 elements of quality child care; and

7 (8) a research study of 133 child care centers
8 revealed that 85 percent of the child care center di-
9 rectors believe that health consultation is important
10 or very important for child care centers.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) CHILD WITH A DISABILITY; INFANT OR
14 TODDLER WITH A DISABILITY.—The terms “child
15 with a disability” and “infant or toddler with a dis-
16 ability” have the meanings given the terms in sec-
17 tion 602 of the Individuals with Disabilities Edu-
18 cation Act (20 U.S.C. 1401).

19 (2) ELIGIBLE CHILD CARE PROVIDER.—The
20 term “eligible child care provider” means a provider
21 of child care services for compensation, including a
22 provider of care for a school-age child during non-
23 school hours, that—

1 (A) is licensed, regulated, registered, or
2 otherwise legally operating, under State and
3 local law; and

4 (B) satisfies the State and local require-
5 ments,

6 applicable to the child care services the provider pro-
7 vides.

8 (3) FAMILY CHILD CARE PROVIDER.—The term
9 “family child care provider” means 1 individual who
10 provides child care services for fewer than 24 hours
11 per day, as the sole caregiver, and in a private resi-
12 dence.

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of Health and Human Services.

15 (5) STATE.—The term “State” means any of
16 the several States of the United States, the District
17 of Columbia, the Commonwealth of Puerto Rico, the
18 United States Virgin Islands, Guam, American
19 Samoa, and the Commonwealth of the Northern
20 Mariana Islands.

21 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated to carry out
23 this Act \$200,000,000 for fiscal year 2001 and such sums
24 as may be necessary for each subsequent fiscal year.

1 **SEC. 5. PROGRAMS.**

2 The Secretary shall make allotments to eligible States
3 under section 6. The Secretary shall make the allotments
4 to enable the States to establish programs to improve the
5 health and safety of children receiving child care outside
6 the home, by preventing illnesses and injuries associated
7 with that care and promoting the health and well-being
8 of children receiving that care.

9 **SEC. 6. AMOUNTS RESERVED; ALLOTMENTS.**

10 (a) AMOUNTS RESERVED.—The Secretary shall re-
11 serve not more than $\frac{1}{2}$ of 1 percent of the amount appro-
12 priated under section 4 for each fiscal year to make allot-
13 ments to Guam, American Samoa, the United States Vir-
14 gin Islands, and the Commonwealth of the Northern Mar-
15 iana Islands to be allotted in accordance with their respec-
16 tive needs.

17 (b) STATE ALLOTMENTS.—

18 (1) GENERAL RULE.—From the amounts ap-
19 propriated under section 4 for each fiscal year and
20 remaining after reservations are made under sub-
21 section (a), the Secretary shall allot to each State an
22 amount equal to the sum of—

23 (A) an amount that bears the same ratio
24 to 50 percent of such remainder as the product
25 of the young child factor of the State and the
26 allotment percentage of the State bears to the

1 sum of the corresponding products for all
2 States; and

3 (B) an amount that bears the same ratio
4 to 50 percent of such remainder as the product
5 of the school lunch factor of the State and the
6 allotment percentage of the State bears to the
7 sum of the corresponding products for all
8 States.

9 (2) YOUNG CHILD FACTOR.—In this subsection,
10 the term “young child factor” means the ratio of the
11 number of children under 5 years of age in a State
12 to the number of such children in all States, as pro-
13 vided by the most recent annual estimates of popu-
14 lation in the States by the Census Bureau of the De-
15 partment of Commerce.

16 (3) SCHOOL LUNCH FACTOR.—In this sub-
17 section, the term “school lunch factor” means the
18 ratio of the number of children who are receiving
19 free or reduced price lunches under the school lunch
20 program established under the National School
21 Lunch Act (42 U.S.C. 1751 et seq.) in the State to
22 the number of such children in all States, as deter-
23 mined annually by the Department of Agriculture.

24 (4) ALLOTMENT PERCENTAGE.—

1 (A) IN GENERAL.—For purposes of this
2 subsection, the allotment percentage for a State
3 shall be determined by dividing the per capita
4 income of all individuals in the United States,
5 by the per capita income of all individuals in
6 the State.

7 (B) LIMITATIONS.—If an allotment per-
8 centage determined under subparagraph (A) for
9 a State—

10 (i) is more than 1.2 percent, the allot-
11 ment percentage of the State shall be con-
12 sidered to be 1.2 percent; and

13 (ii) is less than 0.8 percent, the allot-
14 ment percentage of the State shall be con-
15 sidered to be 0.8 percent.

16 (C) PER CAPITA INCOME.—For purposes
17 of subparagraph (A), per capita income shall
18 be—

19 (i) determined at 2-year intervals;

20 (ii) applied for the 2-year period be-
21 ginning on October 1 of the first fiscal
22 year beginning after the date such deter-
23 mination is made; and

24 (iii) equal to the average of the an-
25 nual per capita incomes for the most re-

1 cent period of 3 consecutive years for
2 which satisfactory data are available from
3 the Department of Commerce on the date
4 such determination is made.

5 (c) DATA AND INFORMATION.—The Secretary shall
6 obtain from each appropriate Federal agency, the most re-
7 cent data and information necessary to determine the al-
8 lotments provided for in subsection (b).

9 (d) DEFINITION.—In this section, the term “State”
10 includes only the several States of the United States, the
11 District of Columbia, and the Commonwealth of Puerto
12 Rico.

13 **SEC. 7. STATE APPLICATIONS.**

14 To be eligible to receive an allotment under section
15 6, a State shall submit an application to the Secretary
16 at such time, in such manner, and containing such infor-
17 mation as the Secretary may require. The application shall
18 contain information assessing the needs of the State with
19 regard to child care health and safety, the goals to be
20 achieved through the program carried out by the State
21 under this Act, and the measures to be used to assess the
22 progress made by the State toward achieving the goals.

23 **SEC. 8. USE OF FUNDS.**

24 (a) IN GENERAL.—A State that receives an allotment
25 under section 6 shall use the funds made available through

1 the allotment to carry out 2 or more activities consisting
2 of—

3 (1) providing training and education to eligible
4 child care providers on preventing injuries and ill-
5 nesses in children, and promoting health-related
6 practices;

7 (2) strengthening licensing, regulation, or reg-
8 istration standards for eligible child care providers;

9 (3) assisting eligible child care providers in
10 meeting licensing, regulation, or registration stand-
11 ards, including rehabilitating the facilities of the
12 providers, in order to bring the facilities into compli-
13 ance with the standards;

14 (4) enforcing licensing, regulation, or registra-
15 tion standards for eligible child care providers, in-
16 cluding holding increased unannounced inspections
17 of the facilities of those providers;

18 (5) providing health consultants to provide ad-
19 vice to eligible child care providers;

20 (6) assisting eligible child care providers in en-
21 hancing the ability of the providers to serve children
22 with disabilities and infants and toddlers with dis-
23 abilities;

24 (7) conducting criminal background checks for
25 eligible child care providers and other individuals

1 who have contact with children in the facilities of the
2 providers;

3 (8) providing information to parents on what
4 factors to consider in choosing a safe and healthy
5 child care setting; or

6 (9) assisting in improving the safety of trans-
7 portation practices for children enrolled in child care
8 programs with eligible child care providers.

9 (b) SUPPLEMENT, NOT SUPPLANT.—Funds appro-
10 priated pursuant to the authority of this Act shall be used
11 to supplement and not supplant other Federal, State, and
12 local public funds expended to provide services for eligible
13 individuals.

14 **SEC. 9. REPORTS.**

15 Each State that receives an allotment under section
16 6 shall annually prepare and submit to the Secretary a
17 report that describes—

18 (1) the activities carried out with funds made
19 available through the allotment; and

20 (2) the progress made by the State toward
21 achieving the goals described in the application sub-
22 mitted by the State under section 7.

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