

106TH CONGRESS
2D SESSION

S. 2866

To provide for early learning programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2000

Mr. STEVENS (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. DODD, Mr. DOMENICI, Mr. KERRY, Mr. BOND, Mr. VOINOVICH, Mr. LAUTENBERG, Mr. COCHRAN, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. BINGAMAN, Mr. L. CHAFEE, Mr. DURBIN, Mr. MURKOWSKI, Mr. ROBERTS, Mr. ROBB, Mr. ROCKEFELLER, Mr. WELLSTONE, Mrs. FEINSTEIN, Ms. MIKULSKI, Ms. SNOWE, Mrs. BOXER, Mr. KERREY, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for early learning programs, 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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Early Learning Opportunities Act”.

6 (b) FINDINGS.—Congress finds that—

7 (1) medical research demonstrates that ade-
8 quate stimulation of a young child’s brain between

1 birth and age 5 is critical to the physical develop-
2 ment of the young child's brain;

3 (2) parents are the most significant and effec-
4 tive teachers of their children, and they alone are re-
5 sponsible for choosing the best early learning oppor-
6 tunities for their child;

7 (3) parent education and parent involvement
8 are critical to the success of any early learning pro-
9 gram or activity;

10 (4) the more intensively parents are involved in
11 their child's early learning, the greater the cognitive
12 and noncognitive benefits to their children;

13 (5) many parents have difficulty finding the in-
14 formation and support the parents seek to help their
15 children grow to their full potential;

16 (6) each day approximately 13,000,000 young
17 children, including 6,000,000 infants or toddlers,
18 spend some or all of their day being cared for by
19 someone other than their parents;

20 (7) quality early learning programs, including
21 those designed to promote effective parenting, can
22 increase the literacy rate, the secondary school grad-
23 uation rate, the employment rate, and the college en-
24 rollment rate for children who have participated in
25 voluntary early learning programs and activities;

1 (8) early childhood interventions can yield sub-
2 stantial advantages to participants in terms of emo-
3 tional and cognitive development, education, eco-
4 nomic well-being, and health, with the latter 2 ad-
5 vantages applying to the children’s families as well;

6 (9) participation in quality early learning pro-
7 grams, including those designed to promote effective
8 parenting, can decrease the future incidence of teen-
9 age pregnancy, welfare dependency, at-risk behav-
10 iors, and juvenile delinquency for children;

11 (10) several cost-benefit analysis studies indi-
12 cate that for each \$1 invested in quality early learn-
13 ing programs, the Federal Government can save over
14 \$5 by reducing the number of children and families
15 who participate in Federal Government programs
16 like special education and welfare;

17 (11) for children placed in the care of others
18 during the workday, the low salaries paid to the
19 child care staff, the lack of career progression for
20 the staff, and the lack of child development special-
21 ists involved in early learning and child care pro-
22 grams, make it difficult to attract and retain the
23 quality of staff necessary for a positive early learn-
24 ing experience;

1 (12) Federal Government support for early
2 learning has primarily focused on out-of-home care
3 programs like those established under the Head
4 Start Act, the Child Care and Development Block
5 Grant of 1990, and part C of the Individuals with
6 Disabilities Education Act, and these programs—

7 (A) serve far fewer than half of all eligible
8 children;

9 (B) are not primarily designed to provide
10 support for parents who care for their young
11 children in the home; and

12 (C) lack a means of coordinating early
13 learning opportunities in each community; and

14 (13) by helping communities increase, expand,
15 and better coordinate early learning opportunities
16 for children and their families, the productivity and
17 creativity of future generations will be improved, and
18 the Nation will be prepared for continued leadership
19 in the 21st century.

20 **SEC. 2. PURPOSES.**

21 The purposes of this Act are—

22 (1) to increase the availability of voluntary pro-
23 grams, services, and activities that support early
24 childhood development, increase parent effectiveness,
25 and promote the learning readiness of young chil-

1 dren so that young children enter school ready to
2 learn;

3 (2) to support parents, child care providers, and
4 caregivers who want to incorporate early learning ac-
5 tivities into the daily lives of young children;

6 (3) to remove barriers to the provision of an ac-
7 cessible system of early childhood learning programs
8 in communities throughout the United States;

9 (4) to increase the availability and affordability
10 of professional development activities and compensa-
11 tion for caregivers and child care providers; and

12 (5) to facilitate the development of community-
13 based systems of collaborative service delivery mod-
14 els characterized by resource sharing, linkages be-
15 tween appropriate supports, and local planning for
16 services.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) CAREGIVER.—The term “caregiver” means
20 an individual, including a relative, neighbor, or fam-
21 ily friend, who regularly or frequently provides care,
22 with or without compensation, for a child for whom
23 the individual is not the parent.

24 (2) CHILD CARE PROVIDER.—The term “child
25 care provider” means a provider of non-residential

1 child care services (including center-based, family-
2 based, and in-home child care services) for com-
3 pensation who or that is legally operating under
4 State law, and complies with applicable State and
5 local requirements for the provision of child care
6 services.

7 (3) EARLY LEARNING.—The term “early learn-
8 ing”, used with respect to a program or activity,
9 means learning designed to facilitate the develop-
10 ment of cognitive, language, motor, and social-emo-
11 tional skills for, and to promote learning readiness
12 in, young children.

13 (4) EARLY LEARNING PROGRAM.—The term
14 “early learning program” means—

15 (A) a program of services or activities that
16 helps parents, caregivers, and child care pro-
17 viders incorporate early learning into the daily
18 lives of young children; or

19 (B) a program that directly provides early
20 learning to young children.

21 (5) INDIAN TRIBE.—The term “Indian tribe”
22 has the meaning given the term in section 4 of the
23 Indian Self-Determination and Education Assistance
24 Act (25 U.S.C. 450b).

1 (6) LOCAL COUNCIL.—The term “Local Council” means a Local Council established or designated
2 under section 14(a) that serves one or more local-
3 ities.
4

5 (7) LOCALITY.—The term “locality” means a
6 city, county, borough, township, or area served by
7 another general purpose unit of local government, an
8 Indian tribe, a Regional Corporation, or a Native
9 Hawaiian entity.

10 (8) PARENT.—The term “parent” means a bio-
11 logical parent, an adoptive parent, a stepparent, a
12 foster parent, or a legal guardian of, or a person
13 standing in loco parentis to, a child.

14 (9) POVERTY LINE.—The term “poverty line”
15 means the poverty line (as defined by the Office of
16 Management and Budget, and revised annually in
17 accordance with section 673(2) of the Community
18 Services Block Grant Act (42 U.S.C. 9902(2))) ap-
19 plicable to a family of the size involved.

20 (10) REGIONAL CORPORATION.—The term “Re-
21 gional Corporation” has the meaning given the term
22 in section 3 of the Alaskan Native Claims Settle-
23 ment Act (43 U.S.C. 1602).

24 (11) SECRETARY.—The term “Secretary”
25 means the Secretary of Health and Human Services.

1 (12) STATE.—The term “State” means each of
2 the several States of the United States, the District
3 of Columbia, and the Commonwealth of Puerto Rico.

4 (13) TRAINING.—The term “training” means
5 instruction in early learning that—

6 (A) is required for certification under
7 State and local laws, regulations, and policies;

8 (B) is required to receive a nationally or
9 State recognized credential or its equivalent;

10 (C) is received in a postsecondary edu-
11 cation program focused on early learning or
12 early childhood development in which the indi-
13 vidual is enrolled; or

14 (D) is provided, certified, or sponsored by
15 an organization that is recognized for its exper-
16 tise in promoting early learning or early child-
17 hood development.

18 (14) YOUNG CHILD.—The term “young child”
19 means any child from birth to the age of mandatory
20 school attendance in the State where the child re-
21 sides.

22 **SEC. 4. PROHIBITIONS.**

23 (a) PARTICIPATION NOT REQUIRED.—No person, in-
24 cluding a parent, shall be required to participate in any
25 program of early childhood education, early learning, par-

1 ent education, or developmental screening pursuant to the
2 provisions of this Act.

3 (b) RIGHTS OF PARENTS.—Nothing in this Act shall
4 be construed to affect the rights of parents otherwise es-
5 tablished in Federal, State, or local law.

6 (c) PARTICULAR METHODS OR SETTINGS.—No entity
7 that receives funds under this Act shall be required to pro-
8 vide services under this Act through a particular instruc-
9 tional method or in a particular instructional setting to
10 comply with this Act.

11 **SEC. 5. AUTHORIZATION AND APPROPRIATION OF FUNDS.**

12 There are authorized to be appropriated to the De-
13 partment of Health and Human Services to carry out this
14 Act—

15 (1) \$750,000,000 for fiscal year 2001;

16 (2) \$1,000,000,000 for fiscal year 2002; and

17 (3) \$1,500,000,000 for fiscal year 2003.

18 **SEC. 6. COORDINATION OF FEDERAL PROGRAMS.**

19 (a) COORDINATION.—The Secretary and the Sec-
20 retary of Education shall develop mechanisms to resolve
21 administrative and programmatic conflicts between Fed-
22 eral programs that would be a barrier to parents, care-
23 givers, service providers, or children related to the coordi-
24 nation of services and funding for early learning pro-
25 grams.

1 (b) USE OF EQUIPMENT AND SUPPLIES.—In the case
2 of a collaborative activity funded under this Act and an-
3 other provision of law providing for Federal child care or
4 early learning programs, the use of equipment and
5 nonconsumable supplies purchased with funds made avail-
6 able under this Act or such provision shall not be re-
7 stricted to children enrolled or otherwise participating in
8 the program carried out under this Act or such provision,
9 during a period in which the activity is predominately
10 funded under this Act or such provision.

11 **SEC. 7. PROGRAM AUTHORIZED.**

12 (a) GRANTS.—From amounts appropriated under
13 section 5 the Secretary shall award grants to States to
14 enable the States to award grants to Local Councils to
15 pay the Federal share of the cost of carrying out early
16 learning programs in the locality served by the Local
17 Council.

18 (b) FEDERAL SHARE.—

19 (1) IN GENERAL.—The Federal share of the
20 cost described in subsection (a) shall be 85 percent
21 for the first and second years of the grant, 80 per-
22 cent for the third and fourth years of the grant, and
23 75 percent for the fifth and subsequent years of the
24 grant.

1 (2) NON-FEDERAL SHARE.—The non-Federal
2 share of the cost described in subsection (a) may be
3 contributed in cash or in kind, fairly evaluated, in-
4 cluding facilities, equipment, or services, which may
5 be provided from State or local public sources, or
6 through donations from private entities. For the
7 purposes of this paragraph the term “facilities” in-
8 cludes the use of facilities, but the term “equip-
9 ment” means donated equipment and not the use of
10 equipment.

11 (c) MAINTENANCE OF EFFORT.—The Secretary shall
12 not award a grant under this Act to any State unless the
13 Secretary first determines that the total expenditures by
14 the State and its political subdivisions to support early
15 learning programs (other than funds used to pay the non-
16 Federal share under subsection (b)(2)) for the fiscal year
17 for which the determination is made is equal to or greater
18 than such expenditures for the preceding fiscal year.

19 (d) SUPPLEMENT NOT SUPPLANT.—Amounts re-
20 ceived under this Act shall be used to supplement and not
21 supplant other Federal, State, and local public funds ex-
22 pended to promote early learning.

23 **SEC. 8. USES OF FUNDS.**

24 (a) IN GENERAL.—Subject to section 10, grant funds
25 under this Act shall be used to pay for developing, oper-

1 ating, or enhancing voluntary early learning programs
2 that are likely to produce sustained gains in early learn-
3 ing.

4 (b) LIMITED USES.—Subject to section 10, Lead
5 State Agencies and Local Councils shall ensure that funds
6 made available under this Act to the agencies and Local
7 Councils are used for 3 or more of the following activities:

8 (1) Helping parents, caregivers, child care pro-
9 viders, and educators increase their capacity to fa-
10 cilitate the development of cognitive, language com-
11 prehension, expressive language, social-emotional,
12 and motor skills, and promote learning readiness.

13 (2) Promoting effective parenting.

14 (3) Enhancing early childhood literacy.

15 (4) Developing linkages among early learning
16 programs within a community and between early
17 learning programs and health care services for
18 young children.

19 (5) Increasing access to early learning opportu-
20 nities for young children with special needs, includ-
21 ing developmental delays, by facilitating coordination
22 with other programs serving such young children.

23 (6) Increasing access to existing early learning
24 programs by expanding the days or times that the
25 young children are served, by expanding the number

1 of young children served, or by improving the afford-
2 ability of the programs for low-income families.

3 (7) Improving the quality of early learning pro-
4 grams through professional development and train-
5 ing activities, increased compensation, and recruit-
6 ment and retention incentives, for early learning
7 providers.

8 (8) Removing ancillary barriers to early learn-
9 ing, including transportation difficulties and absence
10 of programs during nontraditional work times.

11 (c) REQUIREMENTS.—Each Lead State Agency des-
12 ignated under section 10(c) and Local Councils receiving
13 a grant under this Act shall ensure—

14 (1) that Local Councils described in section 14
15 work with local educational agencies to identify cog-
16 nitive, social, emotional, and motor developmental
17 abilities which are necessary to support children’s
18 readiness for school;

19 (2) that the programs, services, and activities
20 assisted under this Act will represent develop-
21 mentally appropriate steps toward the acquisition of
22 those abilities; and

23 (3) that the programs, services, and activities
24 assisted under this Act collectively provide benefits

1 for children cared for in their own homes as well as
2 children placed in the care of others.

3 (d) SLIDING SCALE PAYMENTS.—States and Local
4 Councils receiving assistance under this Act shall ensure
5 that programs, services, and activities assisted under this
6 Act which customarily require a payment for such pro-
7 grams, services, or activities, adjust the cost of such pro-
8 grams, services, and activities provided to the individual
9 or the individual’s child based on the individual’s ability
10 to pay.

11 **SEC. 9. RESERVATIONS AND ALLOTMENTS.**

12 (a) RESERVATION FOR INDIAN TRIBES, ALASKA NA-
13 TIVES, AND NATIVE HAWAIIANS.—The Secretary shall re-
14 serve 1 percent of the total amount appropriated under
15 section 5 for each fiscal year, to be allotted to Indian
16 tribes, Regional Corporations, and Native Hawaiian enti-
17 ties, of which—

18 (1) 0.5 percent shall be available to Indian
19 tribes; and

20 (2) 0.5 percent shall be available to Regional
21 Corporations and Native Hawaiian entities.

22 (b) ALLOTMENTS.—From the funds appropriated
23 under this Act for each fiscal year that are not reserved
24 under subsection (a), the Secretary shall allot to each
25 State the sum of—

1 (1) an amount that bears the same ratio to 50
2 percent of such funds as the number of children 4
3 years of age and younger in the State bears to the
4 number of such children in all States; and

5 (2) an amount that bears the same ratio to 50
6 percent of such funds as the number of children 4
7 years of age and younger living in families with in-
8 comes below the poverty line in the State bears to
9 the number of such children in all States.

10 (c) MINIMUM ALLOTMENT.—No State shall receive
11 an allotment under subsection (b) for a fiscal year in an
12 amount that is less than .40 percent of the total amount
13 appropriated for the fiscal year under this Act.

14 (d) AVAILABILITY OF FUNDS.—Any portion of the al-
15 lotment to a State that is not expended for activities under
16 this Act in the fiscal year for which the allotment is made
17 shall remain available to the State for 2 additional years,
18 after which any unexpended funds shall be returned to the
19 Secretary. The Secretary shall use the returned funds to
20 carry out a discretionary grant program for research-
21 based early learning demonstration projects.

22 (e) DATA.—The Secretary shall make allotments
23 under this Act on the basis of the most recent data avail-
24 able to the Secretary.

1 **SEC. 10. GRANT ADMINISTRATION.**

2 (a) FEDERAL ADMINISTRATIVE COSTS.—The Sec-
3 retary may use not more than 3 percent of the amount
4 appropriated under section 5 for a fiscal year to pay for
5 the administrative costs of carrying out this Act, including
6 the monitoring and evaluation of State and local efforts.

7 (b) STATE ADMINISTRATIVE COSTS.—A State that
8 receives a grant under this Act may use—

9 (1) not more than 2 percent of the funds made
10 available through the grant to carry out activities
11 designed to coordinate early learning programs on
12 the State level, including programs funded or oper-
13 ated by the State educational agency, health, chil-
14 dren and family, and human service agencies, and
15 any State-level collaboration or coordination council
16 involving early learning and education, such as the
17 entities funded under section 640(a)(5) of the Head
18 Start Act (42 U.S.C. 9835 (a)(5));

19 (2) not more than 2 percent of the funds made
20 available through the grant for the administrative
21 costs of carrying out the grant program and the
22 costs of reporting State and local efforts to the Sec-
23 retary; and

24 (3) not more than 3 percent of the funds made
25 available through the grant for training, technical

1 assistance, and wage incentives provided by the
2 State to Local Councils.

3 (c) LEAD STATE AGENCY.—

4 (1) IN GENERAL.—To be eligible to receive an
5 allotment under this Act, the Governor of a State
6 shall appoint, after consultation with the leadership
7 of the State legislature, a Lead State Agency to
8 carry out the functions described in paragraph (2).

9 (2) LEAD STATE AGENCY.—

10 (A) ALLOCATION OF FUNDS.—The Lead
11 State Agency described in paragraph (1) shall
12 allocate funds to Local Councils as described in
13 section 12.

14 (B) FUNCTIONS OF AGENCY.—In addition
15 to allocating funds pursuant to subparagraph
16 (A), the Lead State Agency shall—

17 (i) advise and assist Local Councils in
18 the performance of their duties under this
19 Act;

20 (ii) develop and submit the State ap-
21 plication;

22 (iii) evaluate and approve applications
23 submitted by Local Councils under section
24 13;

1 (iv) ensure collaboration with respect
2 to assistance provided under this Act be-
3 tween the State agency responsible for
4 education and the State agency responsible
5 for children and family services;

6 (v) prepare and submit to the Sec-
7 retary, an annual report on the activities
8 carried out in the State under this Act,
9 which shall include a statement describing
10 how all funds received under this Act are
11 expended and documentation of the effects
12 that resources under this Act have had
13 on—

14 (I) parental capacity to improve
15 learning readiness in their young chil-
16 dren;

17 (II) early childhood literacy;

18 (III) linkages among early learn-
19 ing programs;

20 (IV) linkages between early
21 learning programs and health care
22 services for young children;

23 (V) access to early learning ac-
24 tivities for young children with special
25 needs;

1 (VI) access to existing early
2 learning programs through expansion
3 of the days or times that children are
4 served;

5 (VII) access to existing early
6 learning programs through expansion
7 of the number of young children
8 served;

9 (VIII) access to and affordability
10 of existing early learning programs for
11 low-income families;

12 (IX) the quality of early learning
13 programs resulting from professional
14 development, and recruitment and re-
15 tention incentives for caregivers; and

16 (X) removal of ancillary barriers
17 to early learning, including transpor-
18 tation difficulties and absence of pro-
19 grams during nontraditional work
20 times; and

21 (vi) ensure that training and research
22 is made available to Local Councils and
23 that such training and research reflects the
24 latest available brain development and

1 early childhood development research re-
2 lated to early learning.

3 **SEC. 11. STATE REQUIREMENTS.**

4 (a) **ELIGIBILITY.**—To be eligible for a grant under
5 this Act, a State shall—

6 (1) ensure that funds received by the State
7 under this Act shall be subject to appropriation by
8 the State legislature, consistent with the terms and
9 conditions required under State law;

10 (2) designate a Lead State Agency under sec-
11 tion 10(c) to administer and monitor the grant and
12 ensure State-level coordination of early learning pro-
13 grams;

14 (3) submit to the Secretary an application at
15 such time, in such manner, and accompanied by
16 such information as the Secretary may require;

17 (4) ensure that funds made available under this
18 Act are distributed on a competitive basis through-
19 out the State to Local Councils serving rural, urban,
20 and suburban areas of the State; and

21 (5) assist the Secretary in developing mecha-
22 nisms to ensure that Local Councils receiving funds
23 under this Act comply with the requirements of this
24 Act.

1 (b) STATE PREFERENCE.—In awarding grants to
2 Local Councils under this Act, the State, to the maximum
3 extent possible, shall ensure that a broad variety of early
4 learning programs that provide a continuity of services
5 across the age spectrum assisted under this Act are fund-
6 ed under this Act, and shall give preference to
7 supporting—

8 (1) a Local Council that meets criteria, that are
9 specified by the State and approved by the Sec-
10 retary, for qualifying as serving an area of greatest
11 need for early learning programs; and

12 (2) a Local Council that demonstrates, in the
13 application submitted under section 13, the Local
14 Council's potential to increase collaboration as a
15 means of maximizing use of resources provided
16 under this Act with other resources available for
17 early learning programs.

18 (c) LOCAL PREFERENCE.—In awarding grants under
19 this Act, Local Councils shall give preference to
20 supporting—

21 (1) projects that demonstrate their potential to
22 collaborate as a means of maximizing use of re-
23 sources provided under this Act with other resources
24 available for early learning programs;

1 (2) programs that provide a continuity of serv-
2 ices for young children across the age spectrum, in-
3 dividually, or through community-based networks or
4 cooperative agreements; and

5 (3) programs that help parents and other care-
6 givers promote early learning with their young chil-
7 dren.

8 (d) PERFORMANCE GOALS.—

9 (1) ASSESSMENTS.—Based on information and
10 data received from Local Councils, and information
11 and data available through State resources, the
12 State shall biennially assess the needs and available
13 resources related to the provision of early learning
14 programs within the State.

15 (2) PERFORMANCE GOALS.—Based on the anal-
16 ysis of information described in paragraph (1), the
17 State shall establish measurable performance goals
18 to be achieved through activities assisted under this
19 Act.

20 (3) REQUIREMENT.—The State shall award
21 grants to Local Councils only for purposes that are
22 consistent with the performance goals established
23 under paragraph (2).

24 (4) REPORT.—The State shall report to the
25 Secretary annually regarding the State's progress to-

1 ward achieving the performance goals established in
2 paragraph (2) and any necessary modifications to
3 those goals, including the rationale for the modifica-
4 tions.

5 **SEC. 12. LOCAL ALLOCATIONS.**

6 (a) IN GENERAL.—The Lead State Agency shall allo-
7 cate to Local Councils in the State not less than 93 per-
8 cent of the funds provided to the State under this Act
9 for a fiscal year.

10 (b) LIMITATION.—The Lead State Agency shall allo-
11 cate funds provided under this Act on the basis of the
12 population of the locality served by the Local Council.

13 **SEC. 13. LOCAL APPLICATIONS.**

14 (a) IN GENERAL.—To be eligible to receive assistance
15 under this Act, the Local Council shall submit an applica-
16 tion to the Lead State Agency at such time, in such man-
17 ner, and containing such information as the Lead State
18 Agency may require.

19 (b) CONTENTS.—Each application submitted pursu-
20 ant to subsection (a) shall include a statement ensuring
21 that the local government entity, Indian tribe, Regional
22 Corporation, or Native Hawaiian entity has established or
23 designated a Local Council under section 14, and the
24 Local Council has developed a local plan for carrying out
25 early learning programs under this Act that includes—

1 (1) a needs and resources assessment con-
 2 cerning early learning services and a statement de-
 3 scribing how early learning programs will be funded
 4 consistent with the assessment;

5 (2) a statement of how the Local Council will
 6 ensure that early learning programs will meet the
 7 performance goals reported by the Lead State Agen-
 8 cy under this Act; and

9 (3) a description of how the Local Council will
 10 form collaboratives among local youth, social service,
 11 and educational providers to maximize resources and
 12 concentrate efforts on areas of greatest need.

13 **SEC. 14. LOCAL ADMINISTRATION.**

14 (a) LOCAL COUNCIL.—

15 (1) IN GENERAL.—To be eligible to receive
 16 funds under this Act, a local government entity, In-
 17 dian tribe, Regional Corporation, or Native Hawai-
 18 ian entity, as appropriate, shall establish or des-
 19 ignate a Local Council, which shall be composed
 20 of—

21 (A) representatives of local agencies di-
 22 rectly affected by early learning programs as-
 23 sisted under this Act;

24 (B) parents;

1 (C) other individuals concerned with early
2 learning issues in the locality, such as rep-
3 resentative entities providing elementary edu-
4 cation, child care resource and referral services,
5 early learning opportunities, child care, and
6 health services; and

7 (D) other key community leaders.

8 (2) DESIGNATING EXISTING ENTITY.—If a local
9 government entity, Indian tribe, Regional Corpora-
10 tion, or Native Hawaiian entity has, before the date
11 of enactment of the Early Learning Opportunities
12 Act, a Local Council or a regional entity that is
13 comparable to the Local Council described in para-
14 graph (1), the entity, tribe or corporation may des-
15 ignate the council or entity as a Local Council under
16 this Act, and shall be considered to have established
17 a Local Council in compliance with this subsection.

18 (3) FUNCTIONS.—The Local Council shall be
19 responsible for preparing and submitting the appli-
20 cation described in section 13.

21 (b) ADMINISTRATION.—

22 (1) ADMINISTRATIVE COSTS.—Not more than 3
23 percent of the funds received by a Local Council
24 under this Act shall be used to pay for the adminis-

1 trative costs of the Local Council in carrying out
2 this Act.

3 (2) FISCAL AGENT.—A Local Council may des-
4 ignate any entity, with a demonstrated capacity for
5 administering grants, that is affected by, or con-
6 cerned with, early learning issues, including the
7 State, to serve as fiscal agent for the administration
8 of grant funds received by the Local Council under
9 this Act.

○