

104TH CONGRESS
1ST SESSION

S. 850

To amend the Child Care and Development Block Grant Act of 1990 to consolidate Federal child care programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 24 (legislative day, MAY 15), 1995

Mrs. KASSEBAUM (for herself, Mr. COATS, Mr. JEFFORDS, Mr. KENNEDY, Mr. INOUE, and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Child Care and Development Block Grant Act of 1990 to consolidate Federal child care 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.**

4 This Act may be cited as the “Child Care and Devel-
5 opment Block Grant Amendments Act of 1995”.

1 **SEC. 2. AMENDMENTS TO THE CHILD CARE AND DEVELOP-**
2 **MENT BLOCK GRANT ACT OF 1990.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
4 658B of the Child Care and Development Block Grant Act
5 of 1990 (42 U.S.C. 9858) is amended to read as follows:

6 **“SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated to carry out
8 this subchapter \$1,000,000,000 for fiscal year 1996, and
9 such sums as may be necessary for each of the fiscal years
10 1997 through 2000.”.

11 (b) LEAD AGENCY.—Section 658D(b) of the Child
12 Care and Development Block Grant Act of 1990 (42
13 U.S.C. 9858b(b)) is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (A), by striking
16 “State” and inserting “governmental or non-
17 governmental”; and

18 (B) in subparagraph (C), by inserting
19 “with sufficient time and Statewide distribution
20 of the notice of such hearing,” after “hearing in
21 the State”; and

22 (2) in paragraph (2), by striking the second
23 sentence.

24 (c) APPLICATION AND PLAN.—Section 658E of the
25 Child Care and Development Block Grant Act of 1990 (42
26 U.S.C. 9858c) is amended—

1 (1) in subsection (b), by striking “imple-
2 mented—” and all that follows through “plans.” and
3 inserting “implemented during a 2-year period.”;

4 (2) in subsection (c)—

5 (A) in paragraph (2)—

6 (i) in subparagraph (A)—

7 (I) in clause (iii) by striking the
8 semicolon and inserting a period; and

9 (II) by striking “except” and all
10 that follows through “1992.”; and

11 (ii) in subparagraph (E)—

12 (I) by striking clause (ii) and in-
13 serting the following new clause:

14 “(ii) the State will implement mecha-
15 nisms to ensure that appropriate payment
16 mechanisms exist so that proper payments
17 under this subchapter will be made to pro-
18 viders within the State and to permit the
19 State to furnish information to such pro-
20 viders.”; and

21 (II) by adding at the end thereof
22 the following new sentence: “In lieu of
23 any licensing and regulatory require-
24 ments applicable under State and
25 local law, the Secretary, in consulta-

1 tion with Indian tribes and tribal or-
2 ganizations, shall develop minimum
3 child care standards (that appro-
4 priately reflect tribal needs and avail-
5 able resources) that shall be applica-
6 ble to Indian tribes and tribal organi-
7 zation receiving assistance under this
8 subchapter.”; and

9 (iii) by striking subparagraphs (H)
10 and (I); and

11 (B) in paragraph (3)—

12 (i) in subparagraph (C)—

13 (I) in the subparagraph heading,
14 by striking “AND TO INCREASE” and
15 all that follows through “CARE SERV-
16 ICES”;

17 (II) by striking “25 percent” and
18 inserting “15 percent”; and

19 (III) by striking “and to provide
20 before-” and all that follows through
21 “658H”); and

22 (ii) by adding at the end thereof the
23 following new subparagraph:

24 “(D) LIMITATION ON ADMINISTRATIVE
25 COSTS.—Not more than 5 percent of the aggre-

1 gate amount of payments received under this
2 subchapter by a State in each fiscal year may
3 be expended for administrative costs incurred
4 by such State to carry out all its functions and
5 duties under this subchapter.”.

6 (d) SLIDING FEE SCALE.—

7 (1) IN GENERAL.—Section 658E(c)(5) of the
8 Child Care and Development Block Grant Act of
9 1990 (42 U.S.C. 9858c(c)(5)) is amended by insert-
10 ing before the period the following: “and that en-
11 sures a representative distribution of funding among
12 the working poor and recipients of Federal welfare
13 assistance”.

14 (2) ELIGIBILITY.—Section 658P(4)(B) of the
15 Child Care and Development Block Grant Act of
16 1990 (42 U.S.C. 9858n(4)(B)) is amended by strik-
17 ing “75 percent” and inserting “100 percent”.

18 (e) QUALITY.—Section 658G of the Child Care and
19 Development Block Grant Act of 1990 (42 U.S.C. 9858e)
20 is amended—

21 (1) in the matter preceding paragraph (1)—

22 (A) by striking “A State” and inserting
23 “(a) IN GENERAL.—A State”;

24 (B) by striking “not less than 20 percent
25 of”; and

1 (C) by striking “one or more of the follow-
2 ing” and inserting “carrying out the resource
3 and referral activities described in subsection
4 (b), and for one or more of the activities de-
5 scribed in subsection (c).”;

6 (2) in paragraph (1), by inserting before the pe-
7 riod the following: “, including providing comprehen-
8 sive consumer education to parents and the public,
9 referrals that honor parental choice, and activities
10 designed to improve the quality and availability of
11 child care”;

12 (3) by striking “(1) RESOURCE AND REFERRAL
13 PROGRAMS.—Operating” and inserting the follow-
14 ing:

15 “(b) RESOURCE AND REFERRAL PROGRAMS.—The
16 activities described in this subsection are operating”;

17 (4) by redesignating paragraphs (2) through
18 (5) as paragraphs (1) through (4), respectively;

19 (5) by inserting before paragraph (1) (as so re-
20 designated) the following:

21 “(c) OTHER ACTIVITIES.—The activities described in
22 this section are the following:”; and

23 (6) by adding at the end thereof the following:

1 “(5) BEFORE- AND AFTER-SCHOOL ACTIVI-
2 TIES.—Increasing the availability of before- and
3 after-school care.

4 “(6) INFANT CARE.—Increasing the availability
5 of child care for infants under the age of 18 months.

6 “(7) NONTRADITIONAL WORK HOURS.—Inreas-
7 ing the availability of child care between the hours
8 of 5:00 p.m. and 8:00 a.m.

9 “(d) NONDISCRIMINATION.—With respect to child
10 care providers that comply with applicable State law but
11 which are otherwise not required to be licensed by the
12 State, the State, in carrying out this section, may not dis-
13 criminate against such a provider if such provider desires
14 to participate in resource and referral activities carried out
15 under subsection (b).”.

16 (f) REPEAL.—Section 658H of the Child Care and
17 Development Block Grant Act of 1990 (42 U.S.C. 9858f)
18 is repealed.

19 (g) ENFORCEMENT.—Section 658I(b)(2) of the Child
20 Care and Development Block Grant Act of 1990 (42
21 U.S.C. 9858g(b)(2)) is amended—

22 (1) in the matter following clause (ii) of sub-
23 paragraph (A), by striking “finding and that” and
24 all that follows through the period and inserting
25 “finding and may impose additional program re-

1 requirements on the State, including a requirement
2 that the State reimburse the Secretary for any funds
3 that were improperly expended for purposes prohib-
4 ited or not authorized by this subchapter, that the
5 Secretary deduct from the administrative portion of
6 the State allotment for the following fiscal year an
7 amount that is less than or equal to any improperly
8 expended funds, or a combination of such options.”;
9 and

10 (2) by striking subparagraphs (B) and (C).

11 (h) REPORTS.—Section 658K of the Child Care and
12 Development Block Grant Act of 1990 (42 U.S.C. 9858i)
13 is amended—

14 (1) in the section heading, by striking “AN-
15 NUAL REPORT” and inserting “REPORTS”; and

16 (2) in subsection (a)—

17 (A) in the subsection heading, by striking
18 “ANNUAL REPORT” and inserting “REPORTS”;

19 (B) by striking “December 31, 1992, and
20 annually thereafter” and inserting “December
21 31, 1996, and every 2 years thereafter”;

22 (C) in paragraph (2)—

23 (i) in subparagraph (A), by inserting
24 before the semicolon “and the types of

1 child care programs under which such as-
2 sistance is provided”;

3 (ii) by striking subparagraph (B); and

4 (iii) by redesignating subparagraphs
5 (C) and (D) as subparagraphs (B) and
6 (C), respectively;

7 (D) by striking paragraph (4);

8 (E) by redesignating paragraphs (5) and
9 (6) as paragraphs (4) and (5), respectively;

10 (F) in paragraph (4), as so redesignated,
11 by striking “and” at the end thereof;

12 (G) in paragraph (5), as so redesignated,
13 by adding “and” at the end thereof; and

14 (H) by inserting after paragraph (5), as so
15 redesignated, the following new paragraph:

16 “(6) describing the extent and manner to which
17 the resource and referral activities are being carried
18 out by the State;”.

19 (i) REPORT BY SECRETARY.—Section 658L of the
20 Child Care and Development Block Grant Act of 1990 (42
21 U.S.C. 9858j) is amended—

22 (1) by striking “1993” and inserting “1997”;

23 (2) by striking “annually” and inserting “bi-an-
24 nually”; and

1 (3) by striking “Education and Labor” and in-
2 serting “Economic and Educational Opportunities”.

3 (j) ALLOTMENTS.—Section 658O of the Child Care
4 and Development Block Grant Act of 1990 (42 U.S.C.
5 9858m) is amended—

6 (1) in subsection (c), by adding at the end
7 thereof the following new paragraph:

8 “(6) CONSTRUCTION OR RENOVATION OF FA-
9 CILITIES.—

10 “(A) REQUEST FOR USE OF FUNDS.—An
11 Indian tribe or tribal organization may submit
12 to the Secretary a request to use amounts pro-
13 vided under this subsection for construction or
14 renovation purposes.

15 “(B) DETERMINATION.—With respect to a
16 request submitted under subparagraph (A), and
17 except as provided in subparagraph (C), upon a
18 determination by the Secretary that adequate
19 facilities are not otherwise available to an In-
20 dian tribe or tribal organization to enable such
21 tribe or organization to carry out child care
22 programs in accordance with this subchapter,
23 and that the lack of such facilities will inhibit
24 the operation of such programs in the future,
25 the Secretary may permit the tribe or organiza-

1 tion to use assistance provided under this sub-
2 section to make payments for the construction
3 or renovation of facilities that will be used to
4 carry out such programs.

5 “(C) LIMITATION.—The Secretary may not
6 permit an Indian tribe or tribal organization to
7 use amounts provided under this subsection for
8 construction or renovation if such use will re-
9 sult in a decrease in the level of child care serv-
10 ices provided by the tribe or organization as
11 compared to the level of such services provided
12 by the tribe or organization in the fiscal year
13 preceding the year for which the determination
14 under subparagraph (A) is being made.

15 “(D) UNIFORM PROCEDURES.—The Sec-
16 retary shall develop and implement uniform
17 procedures for the solicitation and consideration
18 of requests under this paragraph.”; and

19 (2) in subsection (e)—

20 (A) in paragraph (1), by striking “Any”
21 and inserting “Except as provided in paragraph
22 (4), any”; and

23 (B) by adding at the end thereof the fol-
24 lowing new paragraph:

1 “(4) INDIAN TRIBES OR TRIBAL ORGANIZA-
2 TIONS.—Any portion of a grant or contract made to
3 a Indian tribe or tribal organization under sub-
4 section (c) that the Secretary determines is not
5 being used in a manner consistent with the provision
6 of this subchapter in the period for with the grant
7 or contract is made available, shall be reallocated by
8 the Secretary to other tribes or organization that
9 have submitted applications under subsection (c) in
10 proportion to the original allocations to such tribes
11 or organization.”.

12 (k) DEFINITIONS.—Section 658P of the Child Care
13 and Development Block Grant Act of 1990 (42 U.S.C.
14 9858n) is amended—

15 (1) in paragraph (2), in the first sentence by
16 inserting “or as a deposit for child care services if
17 such a deposit is required of other children being
18 cared for by the provider” after “child care serv-
19 ices”; and

20 (2) in paragraph (5)(B)—

21 (A) by inserting “great grandchild, sibling
22 (if the provider lives in a separate residence),”
23 after “grandchild,”;

24 (B) by striking “is registered and”; and

1 (C) by striking “State” and inserting “ap-
2 plicable”.

3 (l) APPLICATION OF SUBCHAPTER.—The Child Care
4 and Development Block Grant Act of 1990 (42 U.S.C.
5 9858 et seq.) is amended by adding at the end thereof
6 the following new section:

7 **“SEC. 658T. APPLICATION TO OTHER PROGRAMS.**

8 “Notwithstanding any other provision of law, a State
9 that uses funding for child care services under any Federal
10 program shall ensure that activities carried out using such
11 funds meet the requirements, standards, and criteria of
12 this subchapter and the regulations promulgated under
13 this subchapter. Such sums shall be administered through
14 a uniform State plan. To the maximum extent practicable,
15 amounts provided to a State under such programs shall
16 be transferred to the lead agency and integrated into the
17 program established under this subchapter by the State.”.

18 **SEC. 3. SENSE OF THE SENATE.**

19 (a) FINDINGS.—The Senate finds that—

20 (1) the availability and accessibility of quality
21 child care will be critical to any welfare reform ef-
22 fort;

23 (2) as parents move from welfare into the
24 workforce or into job preparation and education,
25 child care must be affordable and safe;

1 (3) whether parents are pursuing job training,
2 transitioning off welfare, or are already in the work
3 force and attempting to remain employed, no parent
4 can be expected to leave his or her child in a dan-
5 gerous situation;

6 (4) affordable and accessible child care is a pre-
7 requisite for job training and for entering the
8 workforce; and

9 (5) studies have shown that the lack of quality
10 child care is the most frequently cited barrier to em-
11 ployment and self-sufficiency.

12 (b) SENSE OF THE SENATE.—It is the sense of the
13 Senate that the Federal Government has a responsibility
14 to provide funding and leadership with respect to child
15 care.

16 **SEC. 4. REPEALS AND TECHNICAL AND CONFORMING**
17 **AMENDMENTS.**

18 (a) STATE DEPENDENT CARE DEVELOPMENT
19 GRANTS ACT.—The State Dependent Care Development
20 Grants Act (42 U.S.C. 9871 et seq.) is repealed.

21 (b) CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP
22 ASSISTANCE ACT OF 1985.—The Child Development As-
23 sociate Scholarship Assistance Act of 1985 (42 U.S.C.
24 10901 et seq.) is repealed.

25 (c) ADDITIONAL CONFORMING AMENDMENTS.—

1 (1) RECOMMENDED LEGISLATION.—After con-
2 sultation with the appropriate committees of the
3 Congress and the Director of the Office of Manage-
4 ment and Budget, the Secretary of Health and
5 Human Services shall prepare and submit to the
6 Congress a legislative proposal in the form of an im-
7 plementing bill containing technical and conforming
8 amendments to reflect the amendments and repeals
9 made by this Act.

10 (2) SUBMISSION TO CONGRESS.—Not later than
11 6 months after the date of enactment of this Act,
12 the Secretary of Health and Human Services shall
13 submit the implementing bill referred to under para-
14 graph (1).

○