

105TH CONGRESS  
1ST SESSION

# H. R. 2839

To improve the quality of child care provided through Federal facilities and programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 1997

Mr. GILMAN introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committees on House Oversight, the Judiciary, Ways and Means, and Banking and Financial Services, 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

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## A BILL

To improve the quality of child care provided through Federal facilities and 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 “Quality Child Care  
5 for Federal Employees Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

3           (A) a center that is accredited, by a child  
4 care credentialing or accreditation entity recog-  
5 nized by a State, to provide child care to chil-  
6 dren in the State (except children who a tribal  
7 organization elects to serve through a center de-  
8 scribed in subparagraph (B));

9           (B) a center that is accredited, by a child  
10 care credentialing or accreditation entity recog-  
11 nized by a tribal organization, to provide child  
12 care for children served by the tribal organiza-  
13 tion;

14           (C) a center that is used as a Head Start  
15 center under the Head Start Act (42 U.S.C.  
16 9831 et seq.) and is in compliance with any ap-  
17 plicable performance standards established by  
18 regulation under such Act for Head Start pro-  
19 grams; or

20           (D) a military child development center (as  
21 defined in section 1798(1) of title 10, United  
22 States Code).

23           (2) CHILD CARE CREDENTIALING OR ACCREDI-  
24 TATION ENTITY.—The term “child care credentialing

1 or accreditation entity” means a nonprofit private  
2 organization or public agency that—

3 (A) is recognized by a State agency or trib-  
4 al organization; and

5 (B) accredits a center or credentials an in-  
6 dividual to provide child care on the basis of—

7 (i) an accreditation or credentialing  
8 instrument based on peer-validated re-  
9 search;

10 (ii) compliance with applicable State  
11 and local licensing requirements, or stand-  
12 ards described in section 658E(c)(2)(E)(ii)  
13 of the Child Care and Development Block  
14 Grant Act (42 U.S.C. 9858c(c)(2)(E)(ii)),  
15 as appropriate, for the center or individual;

16 (iii) outside monitoring of the center  
17 or individual; and

18 (iv) criteria that provide assurances  
19 of—

20 (I) compliance with age-appro-  
21 priate health and safety standards at  
22 the center or by the individual;

23 (II) use of age-appropriate devel-  
24 opmental and educational activities, as  
25 an integral part of the child care pro-

1                   gram carried out at the center or by  
2                   the individual; and

3                   (III) use of ongoing staff devel-  
4                   opment or training activities for the  
5                   staff of the center or the individual,  
6                   including related skills-based testing.

7                   (3) CREDENTIALED CHILD CARE PROFES-  
8                   SIONAL.—The term “credentialed child care profes-  
9                   sional” means—

10                   (A) an individual who is credentialed, by a  
11                   child care credentialing or accreditation entity  
12                   recognized by a State, to provide child care to  
13                   children in the State (except children who a  
14                   tribal organization elects to serve through an  
15                   individual described in subparagraph (B)); or

16                   (B) an individual who is credentialed, by a  
17                   child care credentialing or accreditation entity  
18                   recognized by a tribal organization, to provide  
19                   child care for children served by the tribal orga-  
20                   nization.

21                   (4) STATE.—The term “State” has the mean-  
22                   ing given the term in section 658P of the Child Care  
23                   and Development Block Grant Act (42 U.S.C.  
24                   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 CEN-  
8 TER.—The term “entity sponsoring a child care cen-  
9 ter” 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.

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

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, a judicial of-  
6           fice, or a legislative office.

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          (8) LEGISLATIVE FACILITY.—The term “legisla-  
15          tive facility” means a facility that is owned or leased  
16          by a legislative office.

17          (9) LEGISLATIVE OFFICE.—The term “legisla-  
18          tive office” means an entity of the legislative branch  
19          of the Federal Government.

20          (b) EXECUTIVE BRANCH STANDARDS AND COMPLI-  
21          ANCE.—

22                 (1) STATE AND LOCAL LICENSING REQUIRE-  
23                 MENTS.—

1 (A) IN GENERAL.—Any entity sponsoring  
2 a child care center in an executive facility  
3 shall—

4 (i) obtain the appropriate State and  
5 local licenses for the center; and

6 (ii) in a location where the State or  
7 locality does not license executive facilities,  
8 comply with the appropriate State and  
9 local licensing requirements related to the  
10 provision of child care.

11 (B) COMPLIANCE.—Not later than 6  
12 months after the date of enactment of this  
13 Act—

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

18 (ii) any contract or licensing agree-  
19 ment used by an Executive agency for the  
20 operation of such a child care center shall  
21 include a condition that the child care be  
22 provided by an entity that complies with  
23 the appropriate State and local licensing  
24 requirements related to the provision of  
25 child care.

1           (2) HEALTH, SAFETY, AND FACILITY STAND-  
2           ARDS.—The Administrator shall by regulation estab-  
3           lish standards relating to health, safety, facilities, fa-  
4           cility design, and other aspects of child care that the  
5           Administrator determines to be appropriate for child  
6           care centers in executive facilities, and require child  
7           care centers, and entities sponsoring child care cen-  
8           ters, in executive facilities to comply with the stand-  
9           ards.

10           (3) ACCREDITATION STANDARDS.—

11           (A) IN GENERAL.—The Administrator  
12           shall issue regulations requiring, to the maxi-  
13           mum extent possible, any entity sponsoring an  
14           eligible child care center (as defined by the Ad-  
15           ministrator) in an executive facility to comply  
16           with child care center accreditation standards  
17           issued by a nationally recognized accreditation  
18           organization approved by the Administrator.

19           (B) COMPLIANCE.—The regulations shall  
20           require that, not later than 3 years after the  
21           date of enactment of this Act—

22                   (i) the entity shall comply, or make  
23                   substantial progress (as determined by the  
24                   Administrator) toward complying, with the  
25                   standards; and

1           (ii) any contract or licensing agree-  
2           ment used by an Executive agency for the  
3           operation of such a child care center shall  
4           include a condition that the child care be  
5           provided by an entity that complies with  
6           the standards.

7           (C) CONTENTS.—The standards shall base  
8           accreditation on—

9           (i) an accreditation instrument de-  
10          scribed in section 2(2)(B);

11          (ii) outside monitoring described in  
12          section 2(2)(B), by—

13               (I) the Administrator; or

14               (II) a child care credentialing or  
15               accreditation entity, or other entity,  
16               with which the Administrator enters  
17               into a contract to provide such mon-  
18               itoring; and

19          (iii) the criteria described in section  
20          2(2)(B).

21          (4) EVALUATION AND COMPLIANCE.—

22               (A) IN GENERAL.—The Administrator  
23               shall evaluate the compliance, with the require-  
24               ments of paragraph (1) and the regulations is-  
25               sued pursuant to paragraphs (2) and (3), of

1 child care centers, and entities sponsoring child  
2 care centers, in executive facilities. The Admin-  
3 istrator may conduct the evaluation of such a  
4 child care center or entity directly, or through  
5 an agreement with another Federal agency or  
6 private entity, other than the Federal agency  
7 for which the child care center is providing  
8 services. If the Administrator determines, on  
9 the basis of such an evaluation, that the child  
10 care center or entity is not in compliance with  
11 the requirements, the Administrator shall notify  
12 the Executive agency.

13 (B) EFFECT OF NONCOMPLIANCE.—On re-  
14 ceipt of the notification of noncompliance issued  
15 by the Administrator, the head of the Executive  
16 agency shall—

17 (i) if the entity operating the child  
18 care center is the agency—

19 (I) within 2 business days after  
20 the date of receipt of the notification  
21 correct any deficiencies that are deter-  
22 mined by the Administrator to be life  
23 threatening or to present a risk of se-  
24 rious bodily harm;

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

9 (III) provide the parents of the  
10 children receiving child care services  
11 at the center with a notification de-  
12 tailing the deficiencies described in  
13 subclauses (I) and (II) and actions  
14 that will be taken to correct the defi-  
15 ciencies;

16 (IV) bring the center and entity  
17 into compliance with the requirements  
18 and certify to the Administrator that  
19 the center and entity are in compli-  
20 ance, based on an on-site evaluation  
21 of the center conducted by an inde-  
22 pendent entity with expertise in child  
23 care health and safety; and

24 (V) in the event that deficiencies  
25 determined by the Administrator to be

1 life threatening or to present a risk of  
2 serious bodily harm cannot be cor-  
3 rected within 2 business days after  
4 the date of receipt of the notification,  
5 close the center until such deficiencies  
6 are corrected and notify the Adminis-  
7 trator of such closure; and

8 (ii) if the entity operating the child  
9 care center is a contractor or licensee of  
10 the Executive agency—

11 (I) require the contractor or li-  
12 censee within 2 business days after  
13 the date of receipt of the notification,  
14 to correct any deficiencies that are de-  
15 termined by the Administrator to be  
16 life threatening or to present a risk of  
17 serious bodily harm:

18 (II) require the contractor or li-  
19 censee to develop and provide to the  
20 head of the agency a plan to correct  
21 any other deficiencies in the operation  
22 of the center and bring the center and  
23 entity into compliance with the re-  
24 quirements not later than 4 months

1 after the date of receipt of the notifi-  
2 cation;

3 (III) require the contractor or li-  
4 censee to provide the parents of the  
5 children receiving child care services  
6 at the center with a notification de-  
7 tailing the deficiencies described in  
8 subclauses (I) and (II) and actions  
9 that will be taken to correct the defi-  
10 ciencies;

11 (IV) require the contractor or li-  
12 censee to bring the center and entity  
13 into compliance with the requirements  
14 and certify to the head of the agency  
15 that the center and entity are in com-  
16 pliance, based on an on-site evaluation  
17 of the center conducted by an inde-  
18 pendent entity with expertise in child  
19 care health and safety; and

20 (V) in the event that deficiencies  
21 determined by the Administrator to be  
22 life threatening or to present a risk of  
23 serious bodily harm cannot be cor-  
24 rected within 2 business days after  
25 the date of receipt of the notification,

1 close the center until such deficiencies  
2 are corrected and notify the Adminis-  
3 trator of such closure, which closure  
4 shall be grounds for the immediate  
5 termination or suspension of the con-  
6 tract or license of the contractor or li-  
7 censee.

8 (C) COST REIMBURSEMENT.—The Execu-  
9 tive agency shall reimburse the Administrator  
10 for the costs of carrying out subparagraph (A)  
11 for child care centers located in an executive fa-  
12 cility other than an executive facility of the  
13 General Services Administration. If an entity is  
14 sponsoring a child care center for 2 or more  
15 Executive agencies, the Administrator shall allo-  
16 cate the costs of providing such reimbursement  
17 with respect to the entity among the agencies in  
18 a fair and equitable manner, based on the ex-  
19 tent to which each agency is eligible to place  
20 children in the center.

21 (c) LEGISLATIVE BRANCH STANDARDS AND COMPLI-  
22 ANCE.—

23 (1) STATE AND LOCAL LICENSING REQUIRE-  
24 MENTS, HEALTH, SAFETY, AND FACILITY STAND-  
25 ARDS, AND ACCREDITATION STANDARDS.—The Ar-

1 architect of the Capitol shall issue regulations for child  
2 care centers, and entities sponsoring child care cen-  
3 ters, in legislative facilities, which shall be no less  
4 stringent in content and effect than the require-  
5 ments of subsection (b)(1) and the regulations is-  
6 sued by the Administrator under paragraphs (2) and  
7 (3) of subsection (b), except to the extent that the  
8 Architect may determine, for good cause shown and  
9 stated together with the regulations, that a modifica-  
10 tion of such regulations would be more effective for  
11 the implementation of the requirements and stand-  
12 ards described in paragraphs (1), (2), and (3) of  
13 subsection (b) for child care centers, and entities  
14 sponsoring child care centers, in legislative facilities.

15 (2) EVALUATION AND COMPLIANCE.—

16 (A) ARCHITECT OF THE CAPITOL.—The  
17 Architect of the Capitol shall have the same au-  
18 thorities and duties with respect to the evalua-  
19 tion of, compliance of, and cost reimbursement  
20 for child care centers, and entities sponsoring  
21 child care centers, in legislative facilities as the  
22 Administrator has under subsection (b)(4) with  
23 respect to the evaluation of, compliance of, and  
24 cost reimbursement for such centers and enti-

1           ties sponsoring such centers, in executive facili-  
2           ties.

3                   (B) HEAD OF A LEGISLATIVE OFFICE.—

4           The head of a legislative office shall have the  
5           same authorities and duties with respect to the  
6           compliance of and cost reimbursement for child  
7           care centers, and entities sponsoring child care  
8           centers, in legislative facilities as the head of an  
9           Executive agency has under subsection (b)(4)  
10          with respect to the compliance of and cost reim-  
11          bursement for such centers and entities spon-  
12          soring such centers, in executive facilities.

13          (d) JUDICIAL BRANCH STANDARDS AND COMPLI-  
14          ANCE.—

15                   (1) STATE AND LOCAL LICENSING REQUIRE-  
16          MENTS HEALTH, SAFETY, AND FACILITY STAND-  
17          ARDS, AND ACCREDITATION STANDARDS.—The Di-  
18          rector of the Administrative Office of the United  
19          States Courts shall issue regulations for child care  
20          centers, and entities sponsoring child care centers, in  
21          judicial facilities, which shall be no less stringent in  
22          content and effect than the requirements of sub-  
23          section (b)(1) and the regulations issued by the Ad-  
24          ministrator under paragraphs (2) and (3) of sub-  
25          section (b), except to the extent that the Director

1 may determine, for good cause shown and stated to-  
2 gether with the regulations, that a modification of  
3 such regulations would be more effective for the im-  
4 plementation of the requirements and standards de-  
5 scribed in paragraphs (1), (2), and (3) of subsection  
6 (b) for child care centers, and entities sponsoring  
7 child care centers, in judicial facilities.

8 (2) EVALUATION AND COMPLIANCE.—

9 (A) DIRECTOR OF THE ADMINISTRATIVE  
10 OFFICE OF THE UNITED STATES COURTS.—The  
11 Director of the Administrative Office of the  
12 United States Courts shall have the same au-  
13 thorities and duties with respect to the evalua-  
14 tion of, compliance of, and cost reimbursement  
15 for child care centers, and entities sponsoring  
16 child care centers, in judicial facilities as the  
17 Administrator has under subsection (b)(4) with  
18 respect to the evaluation of, compliance of, and  
19 cost reimbursement for such centers and enti-  
20 ties sponsoring such centers, in executive facili-  
21 ties.

22 (B) HEAD OF A JUDICIAL OFFICE.—The  
23 head of a judicial office shall have the same au-  
24 thorities and duties with respect to the compli-  
25 ance of and cost reimbursement for child care

1 centers, and entities sponsoring child care cen-  
2 ters, in judicial facilities as the head of an Ex-  
3 ecutive agency has under subsection (b)(4) with  
4 respect to the compliance of and cost reim-  
5 bursement for such centers and entities spon-  
6 soring such centers, in executive facilities.

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

13 (f) TECHNICAL ASSISTANCE, STUDIES, AND RE-  
14 VIEWS.—The Administrator may provide technical assist-  
15 ance, and conduct and provide the results of studies and  
16 reviews, for executive agencies, and entities sponsoring  
17 child care centers in executive facilities, on a reimbursable  
18 basis, in order to assist the entities in complying with this  
19 section. The Architect of the Capitol and the Director of  
20 the Administrative Office of the United States Courts may  
21 provide technical assistance, and conduct and provide the  
22 results of studies and reviews, or request that the Admin-  
23 istrator provide technical assistance, and conduct and pro-  
24 vide the results of studies and reviews, for legislative of-  
25 fices and judicial offices, respectively, and entities operat-

1 ing child care centers in legislative facilities and judicial  
2 facilities, respectively, on a reimbursable basis, in order  
3 to assist the entities in complying with this section.

4 (g) COUNCIL.—The Administrator shall establish an  
5 interagency council, comprised of all executive agencies de-  
6 scribed in subsection (e), a representative of the Office of  
7 Architect of the Capitol, and a representative of the Ad-  
8 ministrative Office of the United States Courts, to facili-  
9 tate cooperation and sharing of best practices, and to de-  
10 velop and coordinate policy, regarding the provision of  
11 child care in the Federal Government.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 \$900,000 for fiscal year 1998 and such sums as may be  
15 necessary for each subsequent fiscal year.

16 **SEC. 4. PROVIDING QUALITY CHILD CARE THROUGH FED-**  
17 **ERAL PROGRAMS.**

18 (a) CORPORATION FOR NATIONAL AND COMMUNITY  
19 SERVICE.—Effective October 1, 2001, the Chief Executive  
20 Officer of the Corporation for National and Community  
21 Service shall ensure that, to the maximum extent prac-  
22 ticable, any child care made available under any Federal  
23 financial assistance program carried out by the Chief Ex-  
24 ecutive Officer, directly or through a child care allowance,  
25 shall be child care provided by an accredited child care

1 center or a credentialed child care professional, as the  
2 terms are defined in section 2.

3 (b) DEPARTMENTS OF EDUCATION, HOUSING AND  
4 URBAN DEVELOPMENT, JUSTICE, AND LABOR.—Effective  
5 October 1, 2001, the Secretary of Education, Secretary  
6 of Housing and Urban Development, Attorney General,  
7 and Secretary of Labor shall ensure that, to the maximum  
8 extent practicable, any child care made available under  
9 any Federal financial assistance program carried out by  
10 the Attorney General or Secretary involved, directly or  
11 through a child care allowance, shall be child care provided  
12 by an accredited child care center or a credentialed child  
13 care professional, as the terms are defined in section 2.

14 (c) SOCIAL SERVICES BLOCK GRANTS.—Section  
15 2002(a) of the Social Security Act (42 U.S.C. 1397a(a))  
16 is amended by adding at the end the following:

17 “(3) Effective October 1, 2001, child care services  
18 made available under this subsection shall, to the maxi-  
19 mum extent practicable, be child care services provided by  
20 an accredited child care center or a credentialed child care  
21 professional, as the terms are defined in section 2 of the  
22 Quality Child Care for Federal Employees Act.”.

1 **SEC. 5. USE OF COMMUNITY DEVELOPMENT BLOCK**  
2 **GRANTS TO ESTABLISH ACCREDITED CHILD**  
3 **CARE CENTERS.**

4 Section 105(a) of the Housing and Community De-  
5 velopment Act of 1974 (42 U.S.C. 5305(a)) is amended—

6 (1) in paragraph (22), by striking “and” at the  
7 end;

8 (2) in paragraph (23), by striking the period at  
9 the end and inserting a semicolon;

10 (3) in paragraph (24), by striking “and” at the  
11 end;

12 (4) in paragraph (25), by striking the period at  
13 the end and inserting “; and”; and

14 (5) by adding at the end the following:

15 “(26) the establishment of accredited child care  
16 centers (as that term is defined in section 2 of the  
17 Quality Child Care for Federal Employees Act), by  
18 upgrading existing child care facilities to meet  
19 standards for accredited child care centers, or by  
20 renovating existing structures for use as accredited  
21 child care centers.”.

○