

106TH CONGRESS
1ST SESSION

H. R. 2175

To improve the quality of child care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1999

Mr. STARK (for himself, Ms. NORTON, Mr. BISHOP, and Ms. DELAURO) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, 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 improve the quality of child care, 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 Quality
5 Improvement Act of 1999”.

6 **SEC. 2. ALLOTMENTS TO STATES.**

7 (a) IN GENERAL.—The Secretary shall make allot-
8 ments under subsection (b) to eligible States to pay for
9 the Federal share of the cost of enabling the States to

1 make grants to local collaboratives under section 3 for ac-
2 tivities to improve the quality of child care.

3 (b) ALLOTMENT.—From the funds appropriated
4 under section 6 to carry out this Act for each fiscal year
5 and not reserved under subsection (h), the Secretary shall
6 allot to each eligible State an amount that bears the same
7 relationship to such funds as the total number of children
8 in poverty in the State bears to the total number of chil-
9 dren in poverty in all eligible States.

10 (c) STATE BOARDS.—

11 (1) IN GENERAL.—In order for a State to be el-
12 igible for a grant under section 418(c) of the Social
13 Security Act, the Governor of the State shall estab-
14 lish, or designate an entity to serve as, a Child Care
15 Quality Advisory Board, which shall receive the
16 grant and make the grants described in section 3.

17 (2) ESTABLISHED BOARD.—A State board es-
18 tablished under paragraph (1) shall consist of mem-
19 bers appointed by the Governor, including—

20 (A) representatives of all State agencies
21 primarily providing services to children in the
22 State;

23 (B) parents of children in the State;

24 (C) representatives of community and non-
25 profit organizations representing or providing

1 services to children and their parents, such as
2 organizations providing child care, carrying out
3 Head Start programs under the Head Start Act
4 (42 U.S.C. 9831 et seq.), providing prekindergarten
5 education, mental health, or family support
6 services; and

7 (D) representatives of local educational
8 agencies who have expertise in early childhood
9 development.

10 (3) DESIGNATED BOARD.—The Governor may
11 designate an entity to serve as the State board
12 under paragraph (1) if the entity includes the mem-
13 bers described in subparagraphs (A) through (D) of
14 paragraph (2).

15 (4) DESIGNATED STATE AGENCY.—The Gov-
16 ernor shall designate a State agency that has a rep-
17 resentative on the State board to provide adminis-
18 trative oversight concerning the use of funds made
19 available under this Act and ensure accountability
20 for the funds.

21 (d) APPLICATION.—To be eligible to receive a grant
22 to a State under section 418(c) of the Social Security Act,
23 a State board shall annually submit an application to the
24 Secretary at such time, in such manner, and containing

1 such information as the Secretary may require. At a min-
2 imum, the application shall contain—

3 (1) sufficient information about the entity es-
4 tablished or designated under subsection (c) to serve
5 as the State board to enable the Secretary to deter-
6 mine whether the entity complies with the require-
7 ments of such subsection;

8 (2) a list of goals for quantifiable improvements
9 in child care quality within the State, that accom-
10 plish the following:

11 (A) Increased training for child care pro-
12 viders and administrators.

13 (B) Enhanced licensing standards (includ-
14 ing at a minimum health and safety, adult-to-
15 child ratios, and group size) that will apply to
16 a broader range of child care providers.

17 (C) Reduced number of unlicensed pro-
18 viders offering child care.

19 (D) Increased State monitoring and en-
20 forcement of licensed providers.

21 (E) Decreased caregiver turnover rates of
22 child care providers through incentives such as
23 increased compensation or scholarships to sup-
24 port continuing education in academic areas re-
25 lated to child care and development.

1 (F) Higher levels of accreditation among
2 licensed child care providers.

3 (G) Other standards and practices to im-
4 prove the quality of child care;

5 (3) a comprehensive State plan for reaching the
6 goals listed pursuant to paragraph (2);

7 (4) an assurance that the State board will pro-
8 vide such information as the Secretary shall by regu-
9 lation require on the amount of State and local pub-
10 lic funds expended in the State to provide services
11 for children; and

12 (5) an assurance that the State board shall an-
13 nually compile and submit to the Secretary informa-
14 tion from the reports referred to in section
15 3(e)(3)(C) that describes the results referred to in
16 subparagraphs (A) and (B) of section 3(e)(3).

17 (e) STATE ADMINISTRATIVE COSTS.—A State may
18 use not more than 5 percent of the amount of a grant
19 made to the State under section 418(c) of the Social Secu-
20 rity Act to pay for State administrative costs related to
21 carrying out this Act.

22 (f) MONITORING.—The Secretary shall monitor the
23 activities of States that receive a grant made under section
24 418(c) of the Social Security Act to ensure compliance

1 with the requirements of this Act, including compliance
2 with the State plans.

3 (g) ENFORCEMENT.—If the Secretary determines
4 that a State that is otherwise eligible for a grant under
5 section 418(c) of the Social Security Act for a fiscal year
6 is not complying with a requirement of this Act, the Sec-
7 retary may—

8 (1) subject to the limitation in subsection (h),
9 provide technical assistance to the State to improve
10 the quality of child care services and the ability of
11 the State to comply with the goals described in sub-
12 section (d)(2);

13 (2) reduce, by not less than 5 percent, the
14 amount of the grant otherwise payable to the State
15 under such section for the fiscal year, for the second
16 determination of noncompliance;

17 (3) reduce, by not less than 25 percent, the
18 amount of the grant otherwise payable to the State
19 under such section for the fiscal year, for the third
20 determination of noncompliance; or

21 (4) revoke the eligibility of the State for any
22 grant under such section, for the fourth or subse-
23 quent determination of noncompliance.

24 (h) TECHNICAL ASSISTANCE.—From the funds ap-
25 propriated under section 6 for each fiscal year, the Sec-

1 retary shall reserve not more than 1 percent of the funds
2 to pay for the costs of providing technical assistance. The
3 Secretary shall use the reserved funds to enter into con-
4 tracts with eligible entities to provide technical assistance
5 to local collaboratives that receive grants under section 3,
6 relating to the functions of the local collaboratives under
7 this Act.

8 **SEC. 3. USE OF FUNDS.**

9 (a) **USE BY STATE BOARD.**—A State board that re-
10 ceives a grant made under section 418(c) of the Social
11 Security Act shall use the grant to—

12 (1) establish and enforce State child care licens-
13 ing requirements; and

14 (2) make grants, on a competitive basis, to local
15 collaboratives to carry out activities to improve the
16 quality of child care.

17 (b) **USE BY LOCAL COLLABORATIVE.**—A local col-
18 laborative that receives funds through a grant made under
19 subsection (a) may use such funds—

20 (1) to carry out the plan included in the appli-
21 cation for the grant; and

22 (2) to prepare reports described in subsection
23 (e)(3)(C).

24 (c) **MULTIYEAR FUNDING.**—In making grants under
25 this section, a State board may make grants for grant pe-

1 riods of more than 1 year to local collaboratives with dem-
2 onstrated success in carrying out activities to improve the
3 quality of child care.

4 (d) LOCAL COLLABORATIVES.—To be eligible to re-
5 ceive a grant under this section for a community, a local
6 collaborative shall demonstrate that the collaborative—

7 (1) is able to provide, through a coordinated ef-
8 fort, activities to improve the quality of child care to
9 children in the community and their parents; and

10 (2) includes—

11 (A) public agencies primarily providing
12 services to children in the community;

13 (B) parents of children in the community;

14 (C) businesses that provide child care serv-
15 ices in the community;

16 (D) representatives of the local government
17 of the county or other political subdivision in
18 which the community is located;

19 (E) representatives of community and non-
20 profit organizations that represent or provide
21 services for low-income individuals in the com-
22 munity;

23 (F) community-based organizations pro-
24 viding services to children and their parents,
25 such as organizations providing child care, car-

1 rying out Head Start programs, or providing
2 prekindergarten education, mental health, or
3 family support services; and

4 (G) persons with expertise in early child-
5 hood development.

6 (e) APPLICATION.—To be eligible to receive a grant
7 under this section, a local collaborative shall submit an
8 application to the State board at such time, in such man-
9 ner, and containing such information as the State board
10 may require. At a minimum, the application shall
11 contain—

12 (1) sufficient information about the entity de-
13 scribed in subsection (d)(2) to enable the State
14 board to determine whether the entity complies with
15 the requirements of such subsection;

16 (2) a comprehensive plan to accomplish the fol-
17 lowing:

18 (A) Increase training for child care pro-
19 viders and administrators.

20 (B) Comply with State licensing standards
21 (including at a minimum health and safety,
22 adult-to-child ratios, group size, and criminal
23 background checks) that may apply to a broad-
24 er range of child care providers than currently
25 exists in the community.

1 (C) Reduce the number of unlicensed pro-
2 viders offering child care.

3 (D) Decrease caregiver turnover rates at
4 child care providers through incentives such as
5 increased compensation.

6 (E) Increase levels of accreditation among
7 licensed child care providers.

8 (F) Otherwise improve the quality of child
9 care; and

10 (3) a description of the manner in which the
11 collaborative plans to submit information, at such
12 intervals as the State board may require, to the
13 State board to enable the State board to carry out
14 monitoring under section 2(f), including the manner
15 in which the collaborative plans to—

16 (A) evaluate the results achieved by the
17 collaborative for implementing the plan sub-
18 mitted under paragraph (2);

19 (B) evaluate how child care services can be
20 more effectively improved and made available to
21 children and their parents; and

22 (C) prepare and submit to the State board
23 annual reports describing the results of the
24 evaluations under subparagraphs (A) and (B).

1 (f) DISTRIBUTION.—In making grants under this sec-
2 tion, the State board shall ensure that at least 60 percent
3 of the funds made available through each grant are used
4 to provide the activities to improve the quality of child care
5 to children (and parents of children) who reside in school
6 districts in which half or more of the students would be
7 eligible to receive free or reduced price lunches under the
8 National School Lunch Act (42 U.S.C. 1751 et seq.).

9 (g) MONITORING.—The State board shall monitor the
10 activities of local collaboratives that receive grants under
11 this Act to ensure compliance with the requirements of
12 this Act.

13 **SEC. 4. SUPPLEMENT NOT SUPPLANT.**

14 Funds received from a grant made under section
15 418(e) of the Social Security Act shall be used to supple-
16 ment and not supplant other Federal, State, and local
17 public funds expended to provide services for children.

18 **SEC. 5. DEFINITIONS.**

19 For the purposes of this Act the following definitions
20 apply:

21 (1) LOCAL EDUCATIONAL AGENCY.—The term
22 “local educational agency” has the meaning given
23 the term in section 14101 of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C. 8801).

1 (2) **POVERTY LINE.**—The term “poverty line”
2 means the poverty line (as defined by the Office of
3 Management and Budget, and revised annually in
4 accordance with section 673(2) of the Community
5 Services Block Grant Act (42 U.S.C. 9902(2)) appli-
6 cable to a family of the applicable size.

7 (3) **SECRETARY.**—The term “Secretary” means
8 the Secretary of Health and Human Services.

9 (4) **STATE.**—The term “State” includes the
10 several States, the District of Columbia, the Com-
11 monwealth of Puerto Rico, the Commonwealth of the
12 Northern Mariana Islands, American Samoa, Guam,
13 the Virgin Islands, and any other territory or posses-
14 sion of the United States.

15 (5) **STATE BOARD.**—The term “State board”
16 means a State Child Care Quality Advisory Board
17 established under section 2(c).

18 **SEC. 6. FUNDING.**

19 Section 418 of the Social Security Act (42 U.S.C.
20 618) is amended—

21 (1) in subsection (b), by striking “this section”
22 each place it appears and inserting “subsection (a)”;

23 (2) by redesignating subsections (c) and (d) as
24 subsections (d) and (e), respectively; and

1 (3) by inserting after subsection (b) the fol-
2 lowing:

3 “(c) APPROPRIATIONS FOR CHILD CARE QUALITY
4 IMPROVEMENT GRANT.—Out of any money in the Treas-
5 ury of the United States not otherwise appropriated, there
6 are appropriated \$600,000,000 for each of the fiscal years
7 2000 through 2004 to carry out the Child Care Quality
8 Improvement Act of 1999.”.

9 **SEC. 7. ADVISORY COMMISSION.**

10 (a) ESTABLISHMENT.—There is established a com-
11 mission to be known as the “Advisory Commission on
12 Quality Child Care”.

13 (b) DUTIES.—The Commission shall—

14 (1) identify and study—

15 (A) the most important issues affecting the
16 quality of child care;

17 (B) the most efficient and effective manner
18 of ensuring that families in the United States
19 will receive quality child care; and

20 (C) other related topics that the Commis-
21 sion considers appropriate; and

22 (2) develop and make recommendations
23 regarding—

1 (A) feasible goals and targets for child care
2 programs to improve the quality of child care
3 provided in accordance with such programs;

4 (B) national standards for the quality of
5 child care; and

6 (C) other related topics that the Commis-
7 sion considers appropriate.

8 (c) NUMBER AND APPOINTMENT OF MEMBERS.—

9 The Commission shall be composed of 9 members who
10 shall be appointed by the President before the expiration
11 of the 6-month period beginning on the date of the enact-
12 ment of this Act.

13 (d) QUALIFICATIONS OF MEMBERS.—Each of the in-
14 dividuals appointed under subsection (a) shall be an indi-
15 vidual with distinctive expertise or experience in child care
16 or early childhood development.

17 (e) TERMS.—Each member shall be appointed for the
18 life of the Commission. Any vacancy in the Commission
19 shall not affect its powers, but shall be filled in the manner
20 in which the original appointment was made.

21 (f) BASIC PAY.—Each member shall serve without
22 pay.

23 (g) TRAVEL EXPENSES.—Each member shall receive
24 travel expenses, including per diem in lieu of subsistence,

1 in accordance with sections 5702 and 5703 of title 5,
2 United States Code.

3 (h) QUORUM.—A majority of the members of the
4 Commission shall constitute a quorum but a lesser number
5 may hold hearings.

6 (i) CHAIRPERSON.—The Chairperson of the Commis-
7 sion shall be designated by the President. The term of of-
8 fice of the Chairperson shall be for the life of the Commis-
9 sion. A vacancy in the office of the Chairperson shall be
10 filled in the manner in which the original designation was
11 made.

12 (j) MEETINGS.—The Commission shall meet not less
13 than 4 times. The initial meeting of the Commission shall
14 be at the call of the Chairperson and shall occur within
15 the 90-day period beginning on the date on which all mem-
16 bers of the Commission have been appointed. After the
17 initial meeting, the Commission shall meet at the call of
18 the Chairperson or a majority of its members.

19 (k) DIRECTOR.—The Commission shall have a Direc-
20 tor who shall be appointed by the Secretary of Health and
21 Human Services. The Secretary of Health and Human
22 Services shall fix the pay of the Director.

23 (l) STAFF.—Upon request of the Commission, the
24 Secretary of Health and Human Services shall detail, and
25 the head of any other Federal department or agency may

1 detail, on a reimbursable basis, any of the personnel of
2 that department or agency to the Commission to assist
3 it in carrying out its duties under this Act.

4 (m) ADMINISTRATIVE SUPPORT SERVICES.—Upon
5 the request of the Commission, the Administrator of Gen-
6 eral Services shall provide to the Commission, on a reim-
7 bursable basis, the administrative support services nec-
8 essary for the Commission to carry out its responsibilities
9 under this Act.

10 (n) HEARINGS AND SESSIONS.—The Commission
11 may, for the purpose of carrying out this Act, hold hear-
12 ings, sit and act at times and places, take testimony, and
13 receive evidence as the Commission considers appropriate.

14 (o) POWERS OF MEMBERS AND AGENTS.—Any mem-
15 ber or agent of the Commission may, if authorized by the
16 Commission, take any action that the Commission is au-
17 thorized to take by this section.

18 (p) OBTAINING OFFICIAL DATA.—The Commission
19 may secure directly from any department or agency of the
20 United States information necessary to enable the Com-
21 mission to carry out this Act. Upon request of the Chair-
22 person, the head of the department or agency shall furnish
23 the information to the Commission.

24 (q) GIFTS, BEQUESTS, AND DEVISES.—The Commis-
25 sion may accept, use, and dispose of gifts, bequests, or

1 devises of services or property, both real and personal, for
2 the purpose of aiding or facilitating the work of the Com-
3 mission. Gifts, bequests, or devises of money and proceeds
4 from sales of other property received as gifts, bequests,
5 or devises shall be deposited in the Treasury and shall be
6 available for disbursement upon order of the Commission.

7 (r) **MAILS.**—The Commission may use the United
8 States mails in the same manner and under the same con-
9 ditions as other departments and agencies of the United
10 States.

11 (s) **REPORTS.**—

12 (1) **INTERIM REPORTS.**—As soon as practicable
13 after any hearing held by the Commission, the Com-
14 mission shall submit to the President, Congress, and
15 the Secretary of Health and Human Services an in-
16 terim report summarizing the hearing and con-
17 taining any other information the Commission con-
18 siders appropriate.

19 (2) **FINAL REPORT.**—Not later than 2 years
20 after the date of the initial meeting of the Commis-
21 sion, the Commission shall submit to the President,
22 Congress, and the Secretary of Health and Human
23 Services a final report that—

24 (A) shall set forth the consensus findings
25 and recommendations of the Commission; and

1 (B) may set forth the majority but noncon-
2 sensus findings and recommendations of the
3 Commission and any other information that the
4 Commission considers appropriate.

5 (3) REPORT BY SECRETARY.—Not later than 2
6 years after the date on which the Commission sub-
7 mits its final report, the Secretary of Health and
8 Human Services shall submit to Congress a report
9 describing any actions that the Secretary of Health
10 and Human Services has taken with respect to the
11 final report of the Commission.

12 (t) TERMINATION.—The Commission shall terminate
13 2 years after the date of its initial meeting, or on the date
14 on which the Commission submits its final report, which-
15 ever occurs first.

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