

107TH CONGRESS  
1ST SESSION

# S. 1003

To ensure the safety of children placed in child care centers in Federal facilities, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 7, 2001

Mr. JEFFORDS (for himself and Mr. DODD) introduced the following bill;  
which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To ensure the safety of children placed in child care centers  
in Federal facilities, 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 “Federal Employees  
5 Child Care Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act (except as otherwise provided in section  
8 5):

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of General Serv-  
3           ices.

4           (2) CHILD CARE ACCREDITATION ENTITY.—The  
5           term “child care accreditation entity” means a non-  
6           profit private organization or public agency that—

7                   (A) is recognized by a State agency or by  
8                   a national organization that serves as a peer re-  
9                   view panel on the standards and procedures of  
10                  public and private child care or school accred-  
11                  iting bodies; and

12                  (B) accredits a facility to provide child  
13                  care on the basis of—

14                          (i) an accreditation or credentialing  
15                          instrument based on peer-validated re-  
16                          search;

17                          (ii) compliance with applicable State  
18                          or local licensing requirements, as appro-  
19                          priate, for the facility;

20                          (iii) outside monitoring of the facility;

21                          and

22                          (iv) criteria that provide assurances  
23                          of—

1 (I) use of developmentally appro-  
2 priate health and safety standards at  
3 the facility;

4 (II) use of developmentally ap-  
5 propriate educational activities, as an  
6 integral part of the child care pro-  
7 gram carried out at the facility; and

8 (III) use of ongoing staff devel-  
9 opment or training activities for the  
10 staff of the facility, including related  
11 skills-based testing.

12 (3) ENTITY SPONSORING A CHILD CARE FACIL-  
13 ITY.—The term “entity sponsoring a child care facil-  
14 ity” means a Federal agency that operates, or an  
15 entity that enters into a contract or licensing agree-  
16 ment with a Federal agency to operate, a child care  
17 facility primarily for the use of Federal employees.

18 (4) EXECUTIVE AGENCY.—The term “Executive  
19 agency” has the meaning given the term in section  
20 105 of title 5, United States Code, except that the  
21 term—

22 (A) does not include the Department of  
23 Defense and the Coast Guard; and

1 (B) includes the General Services Adminis-  
2 tration, with respect to the administration of a  
3 facility described in paragraph (5)(B).

4 (5) EXECUTIVE FACILITY.—The term “execu-  
5 tive facility”—

6 (A) means a facility that is owned or  
7 leased by an Executive agency; and

8 (B) includes a facility that is owned or  
9 leased by the General Services Administration  
10 on behalf of a judicial office.

11 (6) FEDERAL AGENCY.—The term “Federal  
12 agency” means an Executive agency, a legislative of-  
13 fice, or a judicial office.

14 (7) JUDICIAL FACILITY.—The term “judicial fa-  
15 cility” means a facility that is owned or leased by a  
16 judicial office (other than a facility that is also a fa-  
17 cility described in paragraph (5)(B)).

18 (8) JUDICIAL OFFICE.—The term “judicial of-  
19 fice” means an entity of the judicial branch of the  
20 Federal Government.

21 (9) LEGISLATIVE FACILITY.—The term “legisla-  
22 tive facility” means a facility that is owned or leased  
23 by a legislative office.

1           (10) LEGISLATIVE OFFICE.—The term “legisla-  
2           tive office” means an entity of the legislative branch  
3           of the Federal Government.

4           (11) STATE.—The term “State” has the mean-  
5           ing given the term in section 658P of the Child Care  
6           and Development Block Grant Act of 1990 (42  
7           U.S.C. 9858n).

8   **SEC. 3. PROVIDING QUALITY CHILD CARE IN FEDERAL FA-**  
9                                   **CILITIES.**

10           (a) EXECUTIVE FACILITIES.—

11                   (1) STATE AND LOCAL LICENSING REQUIRE-  
12                   MENTS.—

13                           (A) IN GENERAL.—Any entity sponsoring  
14                   a child care facility in an executive facility  
15                   shall—

16                                   (i) comply with child care standards  
17                   described in paragraph (2) that are no less  
18                   stringent than applicable State or local li-  
19                   censing requirements that are related to  
20                   the provision of child care in the State or  
21                   locality involved; or

22                                   (ii) obtain the applicable State or local  
23                   licenses, as appropriate, for the facility.

1 (B) COMPLIANCE.—Not later than 6  
2 months after the date of enactment of this  
3 Act—

4 (i) the entity shall comply, or make  
5 substantial progress (as determined by the  
6 Administrator) toward complying, with  
7 subparagraph (A); and

8 (ii) any contract or licensing agree-  
9 ment used by an Executive agency for the  
10 provision of child care services in the child  
11 care facility shall include a condition that  
12 the child care be provided by an entity that  
13 complies with the standards described in  
14 subparagraph (A)(i) or obtains the licenses  
15 described in subparagraph (A)(ii).

16 (2) HEALTH, SAFETY, AND FACILITY STAND-  
17 ARDS.—The Administrator shall by regulation estab-  
18 lish standards relating to health, safety, facilities, fa-  
19 cility design, and other aspects of child care that the  
20 Administrator determines to be appropriate for child  
21 care in executive facilities, and require child care fa-  
22 cilities, and entities sponsoring child care facilities,  
23 in executive facilities to comply with the standards.  
24 The standards shall include requirements that child

1 care facilities be inspected for, and be free of, lead  
2 hazards.

3 (3) ACCREDITATION STANDARDS.—

4 (A) IN GENERAL.—The Administrator  
5 shall issue regulations requiring, to the max-  
6 imum extent possible, any entity sponsoring an  
7 eligible child care facility (as defined by the Ad-  
8 ministrator) in an executive facility to comply  
9 with standards of a child care accreditation en-  
10 tity.

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

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

18 (ii) any contract or licensing agree-  
19 ment used by an Executive agency for the  
20 provision of child care services in the child  
21 care facility shall include a condition that  
22 the child care be provided by an entity that  
23 complies with the standards.

24 (4) EVALUATION AND COMPLIANCE.—

1           (A) IN GENERAL.—The Administrator  
2 shall evaluate the compliance, with the require-  
3 ments of paragraph (1) and the regulations  
4 issued pursuant to paragraphs (2) and (3), as  
5 appropriate, of child care facilities, and entities  
6 sponsoring child care facilities, in executive fa-  
7 cilities. The Administrator may conduct the  
8 evaluation of such a child care facility or entity  
9 directly, or through an agreement with another  
10 Federal agency or private entity, other than the  
11 Federal agency for which the child care facility  
12 is providing services. If the Administrator de-  
13 termines, on the basis of such an evaluation,  
14 that the child care facility or entity is not in  
15 compliance with the requirements, the Adminis-  
16 trator shall notify the Executive agency.

17           (B) EFFECT OF NONCOMPLIANCE.—On re-  
18 ceipt of the notification of noncompliance issued  
19 by the Administrator, the head of the Executive  
20 agency shall—

21                   (i) if the entity operating the child  
22 care facility is the agency—

23                           (I) not later than 2 business days  
24 after the date of receipt of the notifi-  
25 cation, correct any deficiencies that



1 are determined by the Administrator  
2 to be life threatening or to present a  
3 risk of serious bodily harm;

4 (II) not later than 4 months  
5 after the date of receipt of the notifi-  
6 cation, develop and provide to the Ad-  
7 ministrator a plan to correct any  
8 other deficiencies in the operation of  
9 the facility and bring the facility and  
10 entity into compliance with the re-  
11 quirements;

12 (III) provide the parents of the  
13 children receiving child care services  
14 at the child care facility and employ-  
15 ees of the facility with a notification  
16 detailing the deficiencies described in  
17 subclauses (I) and (II) and actions  
18 that will be taken to correct the defi-  
19 ciencies, and post a copy of the notifi-  
20 cation in a conspicuous place in the  
21 facility for 5 working days or until the  
22 deficiencies are corrected, whichever is  
23 later;

24 (IV) bring the child care facility  
25 and entity into compliance with the

1 requirements and certify to the Ad-  
2 ministrator that the facility and entity  
3 are in compliance, based on an onsite  
4 evaluation of the facility conducted by  
5 an individual with expertise in child  
6 care health and safety; and

7 (V) in the event that deficiencies  
8 determined by the Administrator to be  
9 life threatening or to present a risk of  
10 serious bodily harm cannot be cor-  
11 rected within 2 business days after  
12 the date of receipt of the notification,  
13 close the child care facility, or the af-  
14 fected portion of the facility, until the  
15 deficiencies are corrected and notify  
16 the Administrator of the closure; and  
17 (ii) if the entity operating the child  
18 care facility is a contractor or licensee of  
19 the Executive agency—

20 (I) require the contractor or li-  
21 censee, not later than 2 business days  
22 after the date of receipt of the notifi-  
23 cation, to correct any deficiencies that  
24 are determined by the Administrator

1 to be life threatening or to present a  
2 risk of serious bodily harm;

3 (II) require the contractor or li-  
4 censee, not later than 4 months after  
5 the date of receipt of the notification,  
6 to develop and provide to the head of  
7 the agency a plan to correct any other  
8 deficiencies in the operation of the  
9 child care facility and bring the facil-  
10 ity and entity into compliance with  
11 the requirements;

12 (III) require the contractor or li-  
13 censee to provide the parents of the  
14 children receiving child care services  
15 at the child care facility and employ-  
16 ees of the facility with a notification  
17 detailing the deficiencies described in  
18 subclauses (I) and (II) and actions  
19 that will be taken to correct the defi-  
20 ciencies, and to post a copy of the no-  
21 tification in a conspicuous place in the  
22 facility for 5 working days or until the  
23 deficiencies are corrected, whichever is  
24 later;

1 (IV) require the contractor or li-  
2 censee to bring the child care facility  
3 and entity into compliance with the  
4 requirements and certify to the head  
5 of the agency that the facility and en-  
6 tity are in compliance, based on an  
7 onsite evaluation of the facility con-  
8 ducted by an independent entity with  
9 expertise in child care health and  
10 safety; and

11 (V) in the event that deficiencies  
12 determined by the Administrator to be  
13 life threatening or to present a risk of  
14 serious bodily harm cannot be cor-  
15 rected within 2 business days after  
16 the date of receipt of the notification,  
17 close the child care facility, or the af-  
18 fected portion of the facility, until the  
19 deficiencies are corrected and notify  
20 the Administrator of the closure,  
21 which closure may be grounds for the  
22 immediate termination or suspension  
23 of the contract or license of the con-  
24 tractor or licensee.

1           (C) COST REIMBURSEMENT.—The Execu-  
2           tive agency shall reimburse the Administrator  
3           for the costs of carrying out subparagraph (A)  
4           for child care facilities located in an executive  
5           facility other than an executive facility of the  
6           General Services Administration. If an entity is  
7           sponsoring a child care facility for 2 or more  
8           Executive agencies, the Administrator shall allo-  
9           cate the reimbursement costs with respect to  
10          the entity among the agencies in a fair and eq-  
11          uitable manner, based on the extent to which  
12          each agency is eligible to place children in the  
13          facility.

14          (5) DISCLOSURE OF PRIOR VIOLATIONS TO PAR-  
15          ENTS AND FACILITY EMPLOYEES.—

16                (A) IN GENERAL.—The Administrator  
17                shall issue regulations that require that each  
18                entity sponsoring a child care facility in an ex-  
19                ecutive facility, upon receipt by the child care  
20                facility or the entity (as applicable) of a request  
21                by any individual who is—

22                        (i) a parent of any child enrolled at  
23                        the facility;

1 (ii) a parent of a child for whom an  
2 application has been submitted to enroll at  
3 the facility; or

4 (iii) an employee of the facility;

5 shall provide to the individual the copies and  
6 description described in subparagraph (B).

7 (B) COPIES AND DESCRIPTION.—The enti-  
8 ty shall provide—

9 (i) copies of all notifications of defi-  
10 ciencies that have been provided in the  
11 past with respect to the facility under  
12 clause (i)(III) or (ii)(III), as applicable, of  
13 paragraph (4)(B); and

14 (ii) a description of the actions that  
15 were taken to correct the deficiencies.

16 (b) LEGISLATIVE FACILITIES.—

17 (1) ACCREDITATION.—The Chief Administra-  
18 tive Officer of the House of Representatives, the Li-  
19 brarian of Congress, and the head of a designated  
20 entity in the Senate shall ensure that, not later than  
21 1 year after the date of enactment of this Act, the  
22 corresponding child care facility obtains accredita-  
23 tion by a child care accreditation entity, in accord-  
24 ance with the accreditation standards of the entity.

25 (2) REGULATIONS.—

1 (A) IN GENERAL.—If the corresponding  
2 child care facility does not maintain accredita-  
3 tion status with a child care accreditation enti-  
4 ty, the Chief Administrative Officer of the  
5 House of Representatives, the Librarian of Con-  
6 gress, or the head of the designated entity in  
7 the Senate shall issue regulations governing the  
8 operation of the corresponding child care facil-  
9 ity, to ensure the safety and quality of care of  
10 children placed in the facility. The regulations  
11 shall be no less stringent in content and effect  
12 than the requirements of subsection (a)(1) and  
13 the regulations issued by the Administrator  
14 under paragraphs (2) and (3) of subsection (a),  
15 except to the extent that appropriate adminis-  
16 trative officers make the determination de-  
17 scribed in subparagraph (B).

18 (B) MODIFICATION MORE EFFECTIVE.—  
19 The determination referred to in subparagraph  
20 (A) is a determination, for good cause shown  
21 and stated together with the regulations, that a  
22 modification of the regulations would be more  
23 effective for the implementation of the require-  
24 ments and standards described in subsection (a)  
25 for the corresponding child care facilities, and

1 entities sponsoring the corresponding child care  
2 facilities, in legislative facilities.

3 (3) CORRESPONDING CHILD CARE FACILITY.—

4 In this subsection, the term “corresponding child  
5 care facility”, used with respect to the Chief Admin-  
6 istrative Officer, the Librarian, or the head of a des-  
7 ignated entity described in paragraph (1), means a  
8 child care facility operated by, or under a contract  
9 or licensing agreement with, an office of the House  
10 of Representatives, the Library of Congress, or an  
11 office of the Senate, respectively.

12 (c) JUDICIAL BRANCH STANDARDS AND COMPLI-  
13 ANCE.—

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



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

7               (2) EVALUATION AND COMPLIANCE.—

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

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

1           ilities, in judicial facilities as the head of an  
2           Executive agency has under subsection (a)(4)  
3           with respect to the compliance of and cost reim-  
4           bursement for such centers and entities spon-  
5           soring such centers, in executive facilities.

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

12          (e) TECHNICAL ASSISTANCE, STUDIES, AND RE-  
13          VIEWS.—The Administrator may provide technical assist-  
14          ance, and conduct and provide the results of studies and  
15          reviews, for Executive agencies, and entities sponsoring  
16          child care facilities in executive facilities, on a reimburs-  
17          able basis, in order to assist the entities in complying with  
18          this section. The Chief Administrative Officer of the  
19          House of Representatives, the Librarian of Congress, the  
20          head of the designated Senate entity described in sub-  
21          section (b), and the Director of the Administrative Office  
22          of the United States Courts, may provide technical assist-  
23          ance, and conduct and provide the results of studies and  
24          reviews, or request that the Administrator provide tech-  
25          nical assistance, and conduct and provide the results of

1 studies and reviews, for legislative offices and judicial of-  
2 fices, as appropriate, and entities operating child care fa-  
3 cilities in legislative facilities or judicial facilities, as ap-  
4 propriate, on a reimbursable basis, in order to assist the  
5 entities in complying with this section.

6 (f) INTERAGENCY COUNCIL.—

7 (1) COMPOSITION.—The Administrator shall es-  
8 tablish an interagency council, comprised of—

9 (A) representatives of all Executive agen-  
10 cies described in subsection (d) and other Exec-  
11 utive agencies at the election of the heads of the  
12 agencies;

13 (B) a representative of the Chief Adminis-  
14 trative Officer of the House of Representatives,  
15 at the election of the Chief Administrative Offi-  
16 cer;

17 (C) a representative of the head of the des-  
18 igned Senate entity described in subsection  
19 (b), at the election of the head of the entity;

20 (D) a representative of the Librarian of  
21 Congress, at the election of the Librarian; and

22 (E) a representative of the Director of the  
23 Administrative Office of the United States  
24 Courts, at the election of the Director.

1           (2) FUNCTIONS.—The council shall facilitate  
2 cooperation and sharing of best practices, and de-  
3 velop and coordinate policy, regarding the provision  
4 of child care, including the provision of areas for  
5 nursing mothers and other lactation support facili-  
6 ties and services, in the Federal Government.

7           (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to carry out this section  
9 \$900,000 for fiscal year 2002 and such sums as may be  
10 necessary for each subsequent fiscal year.

11 **SEC. 4. FEDERAL CHILD CARE EVALUATION.**

12           (a) IN GENERAL.—Not later than 1 year after the  
13 date of enactment of this Act, the Administrator and the  
14 Director of the Office of Personnel Management shall  
15 jointly prepare and submit to Congress a report that eval-  
16 uates child care provided by entities sponsoring child care  
17 facilities in executive facilities, legislative facilities, or judi-  
18 cial facilities.

19           (b) CONTENTS.—The evaluation shall contain, at a  
20 minimum—

21           (1) information on the number of children re-  
22 ceiving child care described in subsection (a), ana-  
23 lyzed by age, including information on the number  
24 of those children who are age 6 through 12;

1           (2) information on the number of families not  
2           using child care described in subsection (a) because  
3           of the cost of the child care; and

4           (3) recommendations for improving the quality  
5           and cost-effectiveness of child care described in sub-  
6           section (a), including recommendations of options  
7           for creating an optimal organizational structure and  
8           using best practices for the delivery of the child  
9           care.

10 **SEC. 5. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES.**

11           (a) **IN GENERAL.**—In addition to services authorized  
12           to be provided by an agency of the United States pursuant  
13           to section 616 of the Act of December 22, 1987 (40  
14           U.S.C. 490b), an Executive agency that provides or pro-  
15           poses to provide child care services for Federal employees  
16           may use agency funds to provide the child care services,  
17           in a facility that is owned or leased by an Executive agen-  
18           cy, or through a contractor, for civilian employees of the  
19           agency.

20           (b) **AFFORDABILITY.**—Funds so used with respect to  
21           any such facility or contractor shall be applied to improve  
22           the affordability of child care for lower income Federal  
23           employees using or seeking to use the child care services  
24           offered by the facility or contractor.

1 (c) REGULATIONS.—The Administrator after con-  
 2 sultation with the Director of the Office of Personnel Man-  
 3 agement, shall, within 180 days after the date of enact-  
 4 ment of this Act, issue regulations necessary to carry out  
 5 this section.

6 (d) DEFINITION.—For purposes of this section, the  
 7 term “Executive agency” has the meaning given the term  
 8 by section 105 of title 5, United States Code, but does  
 9 not include the General Accounting Office.

10 **SEC. 6. MISCELLANEOUS PROVISIONS RELATING TO CHILD**  
 11 **CARE PROVIDED BY FEDERAL AGENCIES.**

12 (a) AVAILABILITY OF FEDERAL CHILD CARE CEN-  
 13 TERS FOR ONSITE CONTRACTORS; PERCENTAGE GOAL.—  
 14 Section 616 of the Act of December 22, 1987 (40 U.S.C.  
 15 490b) is amended—

16 (1) in subsection (a)—

17 (A) by striking “officer or agency of the  
 18 United States” and inserting “Federal agency  
 19 or officer of a Federal agency”; and

20 (B) by striking paragraphs (2) and (3) and  
 21 inserting the following:

22 “(2) the officer or agency determines that the  
 23 space will be used to provide child care and related  
 24 services to—

1           “(A) children of Federal employees or on-  
2           site Federal contractors; or

3           “(B) dependent children who live with  
4           Federal employees or onsite Federal contrac-  
5           tors; and

6           “(3) the officer or agency determines that the  
7           individual or entity will give priority for available  
8           child care and related services in the space to Fed-  
9           eral employees and onsite Federal contractors.”; and

10          (2) by adding at the end the following:

11          “(f)(1)(A) The Administrator of General Services  
12 shall confirm that at least 50 percent of aggregate enroll-  
13 ment in Federal child care centers governmentwide are  
14 children of Federal employees or onsite Federal contrac-  
15 tors, or dependent children who live with Federal employ-  
16 ees or onsite Federal contractors.

17          “(B) Each provider of child care services at an indi-  
18 vidual Federal child care center shall maintain 50 percent  
19 of the enrollment at the center of children described under  
20 subparagraph (A) as a goal for enrollment at the center.

21          “(C)(i) If enrollment at a center does not meet the  
22 percentage goal under subparagraph (B), the provider  
23 shall develop and implement a business plan with the  
24 sponsoring Federal agency to achieve the goal within a  
25 reasonable timeframe.

1           “(ii) The plan shall be approved by the Administrator  
2 of General Services based on—

3                   “(I) compliance of the plan with standards es-  
4 tablished by the Administrator; and

5                   “(II) the effect of the plan on achieving the ag-  
6 gregate Federal enrollment percentage goal.

7           “(2) The Administrator of General Services may  
8 enter into public-private partnerships or contracts with  
9 nongovernmental entities to increase the capacity, quality,  
10 affordability, or range of child care and related services  
11 and may, on a demonstration basis, waive subsection  
12 (a)(3) and paragraph (1) of this subsection.”.

13           (b) PAYMENT OF COSTS OF TRAINING PROGRAMS.—  
14 Section 616(b)(3) of such Act (40 U.S.C. 490b(b)(3)) is  
15 amended to read as follows:

16           “(3) If a Federal agency has a child care facility in  
17 a Federal space, or is a sponsoring agency for a child care  
18 facility in a Federal space, the agency or the General Serv-  
19 ices Administration may pay accreditation fees, including  
20 renewal fees, for that center to be accredited. Any Federal  
21 agency that provides or proposes to provide child care  
22 services for children referred to in subsection (a)(2), may  
23 reimburse any Federal employee or any person employed  
24 to provide the services for the costs of training programs,  
25 conferences, and meetings and related travel, transpor-



1 tation, and subsistence expenses incurred in connection  
2 with those activities. Any per diem allowance made under  
3 this section shall not exceed the rate specified in regula-  
4 tions prescribed under section 5707 of title 5, United  
5 States Code.”.

6 (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
7 Section 616(c) of such Act (40 U.S.C. 490b(c)) is  
8 amended—

9 (1) by inserting “Federal” before “child care  
10 centers”; and

11 (2) by striking “Federal workers” and inserting  
12 “Federal employees”.

13 (d) PROVISION OF CHILD CARE BY PRIVATE ENTI-  
14 TIES.—Section 616(d) of such Act (40 U.S.C. 490b(d))  
15 is amended to read as follows:

16 “(d)(1) If a Federal agency has a child care facility  
17 in a Federal space, or is a sponsoring agency for a child  
18 care facility in a Federal space, the agency, the child care  
19 center board of directors, or the General Services Adminis-  
20 tration may enter into an agreement with 1 or more pri-  
21 vate entities under which the private entities would assist  
22 in defraying the general operating expenses of the child  
23 care providers including salaries and tuition assistance  
24 programs at the facility.

1       “(2)(A) Notwithstanding any other provision of law,  
2 if a Federal agency does not have a child care program,  
3 or if the Administrator of General Services has identified  
4 a need for child care for Federal employees at a Federal  
5 agency providing child care services that do not meet the  
6 requirements of subsection (a), the agency or the Adminis-  
7 trator may enter into an agreement with a non-Federal,  
8 licensed, and accredited child care facility, or a planned  
9 child care facility that will become licensed and accredited,  
10 for the provision of child care services for children of Fed-  
11 eral employees.

12       “(B) Before entering into an agreement, the head of  
13 the Federal agency shall determine that child care services  
14 to be provided through the agreement are more cost-effec-  
15 tively provided through the arrangement than through es-  
16 tablishment of a Federal child care facility.

17       “(C) The Federal agency may provide any of the  
18 services described in subsection (b)(3) if, in exchange for  
19 the services, the facility reserves child care spaces for chil-  
20 dren referred to in subsection (a)(2), as agreed to by the  
21 parties. The cost of any such services provided by a Fed-  
22 eral agency to a Federal child care facility on behalf of  
23 another Federal agency shall be reimbursed by the receiv-  
24 ing agency.

1 “(3) This subsection does not apply to residential  
2 child care programs.”.

3 (e) PILOT PROJECTS.—Section 616 of such Act (40  
4 U.S.C. 490b) is further amended by adding at the end  
5 the following:

6 “(g)(1) Upon approval of the agency head, a Federal  
7 agency may conduct a pilot project not otherwise author-  
8 ized by law for no more than 2 years to test innovative  
9 approaches to providing alternative forms of quality child  
10 care assistance for Federal employees. A Federal agency  
11 head may extend a pilot project for an additional 2-year  
12 period. Before any pilot project may be implemented, a  
13 determination shall be made by the agency head that initi-  
14 ating the pilot project would be more cost-effective than  
15 establishing a new Federal child care facility. Costs of any  
16 pilot project shall be paid solely by the agency conducting  
17 the pilot project.

18 “(2) The Administrator of General Services shall  
19 serve as an information clearinghouse for pilot projects  
20 initiated by other Federal agencies to disseminate infor-  
21 mation concerning the pilot projects to the other Federal  
22 agencies.

23 “(3) Within 6 months after completion of the initial  
24 2-year pilot project period, a Federal agency conducting  
25 a pilot project under this subsection shall provide for an

1 evaluation of the impact of the project on the delivery of  
2 child care services to Federal employees, and shall submit  
3 the results of the evaluation to the Administrator of Gen-  
4 eral Services. The Administrator shall share the results  
5 with other Federal agencies.”.

6 (f) DEFINITIONS.—Section 616 of such Act (40  
7 U.S.C. 490b) is further amended by adding at the end  
8 the following:

9 “(h) In this section:

10 “(1) The term ‘Federal agency’ has the mean-  
11 ing given the term ‘Executive agency’ in section 2 of  
12 the Federal Employees Child Care Act.

13 “(2) The terms ‘Federal building’ and ‘Federal  
14 space’ have the meanings given the term ‘executive  
15 facility’ in such section 2.

16 “(3) The term ‘Federal child care center’  
17 means a child care center in an executive facility, as  
18 defined in such section 2.

19 “(4) The terms ‘Federal contractor’ and ‘Fed-  
20 eral employee’ mean a contractor and an employee,  
21 respectively, of an Executive agency, as defined in  
22 such section 2.”.

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