

116TH CONGRESS
1ST SESSION

S. 1408

To amend the Child Care and Development Block Grant Act of 1990 to improve child care protections provided through interstate background checks.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2019

Mr. BURR (for himself and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Child Care and Development Block Grant Act of 1990 to improve child care protections provided through interstate background checks.

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 Protection
5 Improvement Act of 2019”.

6 **SEC. 2. TASK FORCE.**

7 Section 658H of the Child Care and Development
8 Block Grant Act of 1990 (42 U.S.C. 9858f) is amended—

1 (1) by redesignating subsection (j) as sub-
2 section (k);

3 (2) in subsection (d)(2)(A), by striking “sub-
4 section (j)(1)” and inserting “subsection (k)(1)”;
5 and

6 (3) by inserting after subsection (i) the fol-
7 lowing:

8 “(j) TASK FORCE TO ASSIST IN IMPLEMENTING
9 INTERSTATE CRIMINAL BACKGROUND CHECKS FOR
10 CHILD CARE STAFF MEMBERS.—

11 “(1) ESTABLISHMENT.—There is established a
12 task force, to be known as the Interagency Task
13 Force for Child Safety (referred to in this section as
14 the ‘Task Force’), to identify, evaluate, and rec-
15 ommend best practices and technical assistance to
16 assist Federal and State agencies in fully imple-
17 menting the requirements of subsection (b) for child
18 care staff members.

19 “(2) COMPOSITION.—Not later than 60 days
20 after the date of enactment of the Child Care Pro-
21 tection Improvement Act of 2019, the President
22 shall appoint the members of the Task Force, which
23 shall include—

24 “(A) the Director of the Office of Child
25 Care of the Department of Health and Human

1 Services, the Associate Commissioner of the
2 Children’s Bureau of the Department of Health
3 and Human Services, the Director of the Fed-
4 eral Bureau of Investigation, or their designees;
5 and

6 “(B) such other Federal officials as may
7 be designated by the President.

8 “(3) CHAIRPERSON.—The chairperson of the
9 Task Force shall be the Assistant Secretary of the
10 Administration for Children and Families.

11 “(4) CONSULTATION.—The Task Force shall
12 consult with representatives from State child care
13 agencies, State child protective services, State crimi-
14 nal justice agencies, and other relevant stakeholders
15 on identifying problems in implementing, and pro-
16 posing solutions to implement, the requirements of
17 subsection (b), as described in that subsection.

18 “(5) TASK FORCE DUTIES.—The Task Force
19 shall—

20 “(A) develop recommendations for improv-
21 ing implementation of the requirements of sub-
22 section (b), including recommendations about
23 how the Task Force and member agencies will
24 collaborate and coordinate efforts to implement

1 such requirements, as described in subsection
2 (b); and

3 “(B) develop recommendations in which
4 the Task Force identifies best practices and
5 evaluates technical assistance to assist relevant
6 Federal and State agencies in implementing
7 subsection (b), which identification and evalua-
8 tion shall include—

9 “(i) an analysis of available research
10 and information at the Federal and State
11 level regarding the status of the interstate
12 requirements of subsection (b) for child
13 care staff members who have resided in
14 one or more States during the previous 5
15 years and who seek employment in a child
16 care program in a different State;

17 “(ii) a list of State agencies that are
18 not responding to interstate requests cov-
19 ered by subsection (b) for relevant infor-
20 mation on child care staff members;

21 “(iii) identification of the challenges
22 State agencies are experiencing in respond-
23 ing to such interstate requests;

24 “(iv) an analysis of the length of time
25 it takes the State agencies in a State to re-

1 ceive such results from State agencies in
2 another State in response to such an inter-
3 state request in accordance with subsection
4 (b);

5 “(v) an analysis of the average proc-
6 essing time for the interstate requests, in
7 accordance with subsection (b);

8 “(vi) identification of the fees associ-
9 ated with the interstate requests in each
10 State to meet requirements in accordance
11 with subsection (b);

12 “(vii) a list of States that are partici-
13 pating in the National Fingerprint File
14 program, as administered by the Federal
15 Bureau of Investigation, and an analysis of
16 reasons States have or have not chosen to
17 participate in the program, including bar-
18 riers to participation such as barriers re-
19 lated to State regulatory requirements and
20 statutes; and

21 “(viii) a list of States that have closed
22 record laws or systems that prevent the
23 States from sharing complete criminal
24 records data or information with State
25 agencies in another State.

1 “(6) MEETINGS.—Not later than 3 months
2 after the date of enactment of the Child Care Pro-
3 tection Improvement Act of 2019, the Task Force
4 shall hold its first meeting.

5 “(7) FINAL REPORT.—Not later than 1 year
6 after the first meeting of the Task Force, the Task
7 Force shall submit to the Secretary of Health and
8 Human Services, the Committee on Health, Edu-
9 cation, Labor, and Pensions of the Senate, and the
10 Committee on Education and Labor of the House of
11 Representatives a final report containing all of the
12 recommendations required by subparagraphs (A)
13 and (B) of paragraph (5).

14 “(8) SUNSET.—The Task Force shall terminate
15 1 year after submitting its final report, but not later
16 than the end of fiscal year 2021.”.

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