

112TH CONGRESS  
1ST SESSION

# H. R. 1711

To amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks, inspections, and training of child care providers.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2011

Mr. CARSON of Indiana introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks, inspections, and training of child care providers.

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 Criminal  
5 Background Check Act of 2011”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to assist States in improv-  
8 ing the overall quality of child care services in the State  
9 by requiring national criminal background checks of child

1 care providers that are licensed by the State or that re-  
2 ceive funds under the Child Care and Development Block  
3 Grant Act of 1990.

4 **SEC. 3. AMENDMENTS.**

5 (a) STATE PLAN.—Section 658E(c)(2) of the Child  
6 Care and Development Block Grant Act of 1990 (42  
7 U.S.C. 9858c(c)(2)) is amended by adding at the end the  
8 following:

9 “(I) CRIMINAL BACKGROUND CHECK.—  
10 Certify that the State will—

11 “(i) require each eligible child care  
12 provider (excluding an eligible child care  
13 provider described in section 658P(5)(B))  
14 that is licensed by the State or receives  
15 funds provided under this subchapter—

16 “(I) to obtain from the State a  
17 comprehensive criminal background  
18 check of—

19 “(aa) each employee who  
20 provides child care services;

21 “(bb) each applicant for em-  
22 ployment to provide such serv-  
23 ices; and

1 “(cc) each family child care  
2 provider who provides or applies  
3 to provide such services;

4 “(II) to refuse to employ an indi-  
5 vidual to provide such services—

6 “(aa) if such individual was  
7 convicted, in the then most re-  
8 cent 5-year period ending on the  
9 date of receipt of such a criminal  
10 background check, of—

11 “(AA) a crime of vio-  
12 lence (as defined in section  
13 20101 of subtitle A of title  
14 II of the Violent Crime Con-  
15 trol and Law Enforcement  
16 Act of 1994 (42 U.S.C.  
17 13701)); or

18 “(BB) a crime against  
19 a child for which the penalty  
20 exceeds imprisonment for a  
21 term exceeding 1 year;

22 “(bb) to an eligible child  
23 without the supervision of an em-  
24 ployee whose criminal back-  
25 ground check satisfies the re-

1            requirements of the subparagraph,  
2            pending receipt of such a crimi-  
3            nal background check of such in-  
4            dividual; and

5                  “(cc) to an eligible child  
6            with the supervision of an em-  
7            ployee whose criminal back-  
8            ground check satisfies the re-  
9            quirements of the subparagraph  
10          and for a period exceeding 90  
11          days, pending receipt of such a  
12          criminal background check of  
13          such individual; and

14                “(ii) carry out at the request of an eli-  
15          gible child care provider, as soon as prac-  
16          ticable, a comprehensive criminal back-  
17          ground check (at the State option for a fee  
18          not to exceed the actual cost to the State)  
19          of each employee of, and each applicant for  
20          employment by, a child care provider that  
21          is licensed by the State or receives funds  
22          provided under this subchapter by the  
23          State, and make the results of such check  
24          available to such provider and to such em-  
25          ployee or applicant.

1 At the request of a State, the Secretary may  
2 waive for 1 fiscal year the application of this  
3 subparagraph to the State if the State dem-  
4 onstrates a good faith effort to comply with the  
5 requirements specified in this subparagraph and  
6 its inability to so comply.

7 “(J) INSPECTIONS.—The State shall cer-  
8 tify that each eligible child care provider (ex-  
9 cluding an eligible child care provider described  
10 in section 658P(5)(B)) that is licensed by the  
11 State will be inspected not less frequently than  
12 at 3-month intervals.

13 “(K) TRAINING.—The State shall certify  
14 that each eligible child care provider (excluding  
15 an eligible child care provider described in sec-  
16 tion 658P(5)(B)) that receives funds provided  
17 under this subchapter will receive not less  
18 than—

19 “(i) 40 hours of initial training; and

20 “(ii) annually 24 hours of training  
21 that includes CPR, first aid, recognizing  
22 child abuse, basic safety and health, and  
23 child behavior and development.”.

24 (b) ENFORCEMENT.—Section 658I(b)(2) of the Child  
25 Care and Development Block Grant Act of 1990 (42

1 U.S.C. 9858g(i)(b)(2)) is amended by adding at the end  
2 the following:

3           “If a State fails to comply substantially with  
4           the requirements specified in section  
5           658e(c)(2)(I), the Secretary shall reduce by 10  
6           percent the State allotment for the fiscal year  
7           following the fiscal year with respect to which  
8           noncompliance is found.”.

9 **SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

10           This Act and the amendments made by this Act shall  
11 take effect 2 years after the date of the enactment of this  
12 Act.

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