

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-586, § 8(d), Nov. 4, 1992, 106 Stat. 5036, provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section [enacting section 9858g of this title and amending this section and section 9858n of this title] shall take effect on the date of enactment of this Act [Nov. 4, 1992].

“(2) APPLICATION.—The amendments made by this section shall not apply with respect to fiscal years beginning before October 1, 1992.”

§ 9858i. Reports and audits**(a) Reports****(1) Collection of information by States****(A) In general**

A State that receives funds to carry out this subchapter shall collect the information described in subparagraph (B) on a monthly basis.

(B) Required information

The information required under this subparagraph shall include, with respect to a family unit receiving assistance under this subchapter¹ information concerning—

- (i) family income;
- (ii) county of residence;
- (iii) the gender, race, and age of children receiving such assistance;
- (iv) whether the head of the family unit is a single parent;
- (v) the sources of family income, including—
 - (I) employment, including self-employment;
 - (II) cash or other assistance under—
 - (aa) the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and
 - (bb) a State program for which State spending is counted toward the maintenance of effort requirement under section 409(a)(7) of the Social Security Act (42 U.S.C. 609(a)(7));
 - (III) housing assistance;
 - (IV) assistance under the Food and Nutrition Act of 2008 [7 U.S.C. 2011 et seq.]; and
 - (V) other assistance programs;
- (vi) the number of months the family has received benefits;
- (vii) the type of child care in which the child was enrolled (such as family child care, home care, or center-based child care);
- (viii) whether the child care provider involved was a relative;
- (ix) the cost of child care for such families;
- (x) the average hours per month of such care; and
- (xi) whether the children receiving assistance under this subchapter are homeless children;

during the period for which such information is required to be submitted.

(C) Submission to Secretary

A State described in subparagraph (A) shall, on a quarterly basis, submit the information required to be collected under subparagraph (B) to the Secretary.

(D) Use of samples**(i) Authority**

A State may comply with the requirement to collect the information described in subparagraph (B) through the use of disaggregated case record information on a sample of families selected through the use of scientifically acceptable sampling methods approved by the Secretary.

(ii) Sampling and other methods

The Secretary shall provide the States with such case sampling plans and data collection procedures as the Secretary deems necessary to produce statistically valid samples of the information described in subparagraph (B). The Secretary may develop and implement procedures for verifying the quality of data submitted by the States.

(E) Prohibition

Reports submitted to the Secretary under subparagraph (C) shall not contain personally identifiable information.

(2) Annual reports

Not later than 1 year after November 19, 2014, and annually thereafter,² a State described in paragraph (1)(A) shall prepare and submit to the Secretary a report that includes aggregate data concerning—

- (A) the number of child care providers that received funding under this subchapter as separately identified based on the types of providers listed in section 9858n(6) of this title;
- (B) the monthly cost of child care services, and the portion of such cost that is paid for with assistance provided under this subchapter, listed by the type of child care services provided;
- (C) the number of payments made by the State through vouchers, contracts, cash, and disregards under public benefit programs, listed by the type of child care services provided;
- (D) the manner in which consumer education information was provided to parents and the number of parents to whom such information was provided; and
- (E) the total number (without duplication) of children and families served under this subchapter; and
- (F) the number of child fatalities occurring among children while in the care and facility of child care providers receiving assistance under this subchapter, listed by type of child care provider and indicating whether the providers (excluding child care providers described in section 9858n(6)(B) of this title) are licensed or license-exempt.³

during the period for which such report is required to be submitted.

² So in original.

³ So in original. The period probably should be a semicolon.

¹ So in original. Probably should be followed by a comma.

(b) Audits**(1) Requirement**

A State shall, after the close of each program period covered by an application approved under section 9858c(d) of this title audit its expenditures during such program period from amounts received under this subchapter.

(2) Independent auditor

Audits under this subsection shall be conducted by an entity that is independent of the State that receives assistance under this subchapter and be in accordance with generally accepted auditing principles.

(3) Submission

Not later than 30 days after the completion of an audit under this subsection, the State shall submit a copy of the audit to the legislature of the State and to the Secretary.

(4) Repayment of amounts

Each State shall repay to the United States any amounts determined through an audit under this subsection not to have been expended in accordance with this subchapter, or the Secretary may offset such amounts against any other amount to which the State is or may be entitled under this subchapter.

(Pub. L. 97-35, title VI, § 658K, as added Pub. L. 101-508, title V, § 5082(2), Nov. 5, 1990, 104 Stat. 1388-243; amended Pub. L. 102-401, § 3(a), Oct. 7, 1992, 106 Stat. 1959; Pub. L. 102-586, § 8(c)(1), Nov. 4, 1992, 106 Stat. 5036; Pub. L. 104-193, title VI, § 611, Aug. 22, 1996, 110 Stat. 2284; Pub. L. 105-33, title V, § 5602(2), Aug. 5, 1997, 111 Stat. 646; Pub. L. 110-234, title IV, § 4002(b)(1)(B), (2)(FF), May 22, 2008, 122 Stat. 1096, 1098; Pub. L. 110-246, § 4(a), title IV, § 4002(b)(1)(B), (2)(FF), June 18, 2008, 122 Stat. 1664, 1857, 1859; Pub. L. 113-186, § 8(c), (e), Nov. 19, 2014, 128 Stat. 1996, 1998.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(1)(B)(v)(II)(aa), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (§ 601 et seq.) of subchapter IV of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The Food and Nutrition Act of 2008, referred to in subsec. (a)(1)(B)(v)(IV), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§ 2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2014—Subsec. (a)(1)(B)(xi). Pub. L. 113-186, § 8(c)(1), which directed amendment of par. (1)(B) by adding cl. (xi) “at the end”, was executed by adding cl. (xi) after cl. (x), to reflect the probable intent of Congress and the presence of concluding provisions in par. (1)(B).

Subsec. (a)(1)(E). Pub. L. 113-186, § 8(e), added subpar. (E).

Subsec. (a)(2). Pub. L. 113-186, § 8(c)(2)(A), substituted “1 year after November 19, 2014, and annually thereafter,” for “December 31, 1997, and every 12 months thereafter” in introductory provisions.

Subsec. (a)(2)(A). Pub. L. 113-186, § 8(c)(2)(B), substituted “section 9858n(6)” for “section 9858n(5)”.

Subsec. (a)(2)(E). Pub. L. 113-186, § 8(c)(2)(C), which directed substitution of “; and” for period at end, was executed by making the substitution for semicolon at end, to reflect the probable intent of Congress.

Subsec. (a)(2)(F). Pub. L. 113-186, § 8(c)(2)(D), which directed amendment of par. (2) by adding subpar. (F) “at the end”, was executed by adding subpar. (F) after subpar. (E), to reflect the probable intent of Congress and the presence of concluding provisions in par. (2).

2008—Subsec. (a)(1)(B)(v)(IV). Pub. L. 110-246, § 4002(b)(1)(B), (2)(FF), substituted “Food and Nutrition Act of 2008” for “Food Stamp Act of 1977”.

1997—Subsec. (a)(1)(B)(iv). Pub. L. 105-33, § 5602(2)(A)(i)(I), added cl. (iv) and struck out former cl. (iv) which read as follows: “whether the family includes only one parent;”.

Subsec. (a)(1)(B)(v). Pub. L. 105-33, § 5602(2)(A)(i)(II)(aa), substituted “including—” for “including the amount obtained from (and separately identified)—” in introductory provisions.

Subsec. (a)(1)(B)(v)(II). Pub. L. 105-33, § 5602(2)(A)(i)(II)(bb), added subcl. (II) and struck out former subcl. (II) which read as follows: “cash or other assistance under part A of title IV of the Social Security Act;”.

Subsec. (a)(1)(B)(x). Pub. L. 105-33, § 5602(2)(A)(i)(III), substituted “month” for “week”.

Subsec. (a)(1)(D). Pub. L. 105-33, § 5602(2)(A)(ii), added subpar. (D) and struck out heading and text of former subpar. (D). Text read as follows: “The Secretary may disapprove the information collected by a State under this paragraph if the State uses sampling methods to collect such information.”

Subsec. (a)(2). Pub. L. 105-33, § 5602(2)(B), substituted “Annual” for “Biannual” in heading and “12” for “6” in introductory provisions of text.

1996—Pub. L. 104-193, § 611(1), substituted “Reports” for “Annual report” in section catchline.

Subsec. (a). Pub. L. 104-193, § 611(2), amended heading and text of subsec. (a) generally. Prior to amendment, text related to requirement of reports by Dec. 31, 1992, and annually thereafter, which include specification of expenditures under section 9858c(c)(3) of this title, data on fulfillment of child care needs, description of improvements in affordability and availability, description of review of State licensing and regulatory requirements and policies and results of review, explanation of any reductions in child care standards, and description of standards and health and safety requirements applicable to providers.

Subsec. (b)(1). Pub. L. 104-193, § 611(2)[(3)](A), substituted “an application approved” for “a application approved”.

Subsec. (b)(2). Pub. L. 104-193, § 611(2)[(3)](B), substituted “the State that receives” for “any agency administering activities that receive”.

Subsec. (b)(4). Pub. L. 104-193, § 611(2)[(3)](C), substituted “entitled under this subchapter” for “entitles under this subchapter”.

1992—Pub. L. 102-401 and Pub. L. 102-586 made identical technical corrections to directory language of Pub. L. 101-508, § 5082(2), which added this section.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by section 4002(b)(1)(B), (2)(FF) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-33 effective as if included in the enactment of title VI of the Personal Respon-

sibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193, see section 5603 of Pub. L. 105-33, set out as a note under section 618 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-193 effective Oct. 1, 1996, see section 615 of Pub. L. 104-193, set out as a note under section 9858 of this title.

§ 9858j. Reports, hotline, and Web site

(a) Report by Secretary

Not later than July 31, 2016, and biennially thereafter, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains a summary and analysis of the data and information provided to the Secretary in the State reports submitted under section 9858i of this title. Such report shall include an assessment, and where appropriate, recommendations for the Congress concerning efforts that should be undertaken to improve the access of the public to quality and affordable child care in the United States. Such report shall contain a determination around whether each State that uses amounts provided under this subchapter has complied with the priority for services described in sections 9858c(c)(2)(Q) and 9858c(c)(3)(B) of this title.

(b) National toll-free hotline and Web site

(1) In general

The Secretary shall operate, directly or through the use of grants or contracts, a national toll-free hotline and Web site, to—

(A) develop and disseminate publicly available child care consumer education information for parents and help parents access safe and quality child care services in their community, with a range of price options, that best suits¹ their family's needs; and

(B) to allow persons to report (anonymously if desired) suspected child abuse or neglect, or violations of health and safety requirements, by an eligible child care provider that receives assistance under this subchapter or a member of the provider's staff.

(2) Requirements

The Secretary shall ensure that the hotline and Web site meet the following requirements:

(A) Referral to local child care providers

The Web site shall be hosted by "child-care.gov". The Web site shall enable a child care consumer to enter a zip code and obtain a referral to local child care providers described in subparagraph (B) within a specified search radius.

(B) Information

The Web site shall provide to consumers, directly or through linkages to State databases, at a minimum—

(i) a localized list of all eligible child care providers, differentiating between licensed and license-exempt providers;

(ii) any provider-specific information from a Quality Rating and Improvement System or information about other quality indicators, to the extent the information is publicly available and to the extent practicable;

(iii) any other provider-specific information about compliance with licensing, and health and safety requirements to the extent the information is publicly available and to the extent practicable;

(iv) referrals to local resource and referral organizations from which consumers can find more information about child care providers; and

(v) State information about child care subsidy programs and other financial supports available to families.

(C) Nationwide capacity

The Web site and hotline shall have the capacity to help families in every State and community in the Nation.

(D) Information at all hours

The Web site shall provide, to parents and families, access to information about child care services 24 hours a day.

(E) Services in different languages

The Web site and hotline shall ensure the widest possible access to services for families who speak languages other than English.

(F) High-quality consumer education and referral

The Web site and hotline shall ensure that families have access to easy-to-understand child care consumer education and referral services.

(3) Prohibition

Nothing in this subsection shall be construed to allow the Secretary to compel States to provide additional data and information that is currently (as of November 19, 2014) not publicly available, or is not required by this subchapter, unless such additional data are related to the purposes and scope of this subchapter, and are subject to a notice and comment period of no less than 90 days.

(Pub. L. 97-35, title VI, §658L, as added Pub. L. 101-508, title V, §5082(2), Nov. 5, 1990, 104 Stat. 1388-244; amended Pub. L. 102-401, §3(a), Oct. 7, 1992, 106 Stat. 1959; Pub. L. 102-586, §8(c)(1), Nov. 4, 1992, 106 Stat. 5036; Pub. L. 104-193, title VI, §612, Aug. 22, 1996, 110 Stat. 2285; Pub. L. 105-33, title V, §5602(3), Aug. 5, 1997, 111 Stat. 646; Pub. L. 113-186, §8(d), Nov. 19, 2014, 128 Stat. 1997.)

AMENDMENTS

2014—Pub. L. 113-186 substituted "Reports, hotline, and Web site" for "Report by Secretary" in section catchline, designated existing provisions as subsec. (a), inserted heading, substituted "2016" for "1998" and "to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate" for "to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate", inserted at end of subsec. (a) "Such report shall contain a determination around whether each State that uses amounts provided under this subchapter has

¹ So in original. Probably should be "suit".