

“9858(c)(2)(F)” in subpar. (A)(ii). Former par. (6) redesignated (7).

Pars. (7), (8). Pub. L. 113-186, §10(2), redesignated pars. (6) and (7) as (7) and (8), respectively. Former pars. (7) and (8) redesignated (8) and (9), respectively.

Par. (9). Pub. L. 113-186, §10(2), (5), redesignated par. (8) as (9) and substituted “designated or established under section 9858b(a)” for “designated under section 9858(a)”. Former par. (9) redesignated (10).

Par. (10). Pub. L. 113-186, §10(2), (6), redesignated par. (9) as (10) and inserted “, foster parent,” after “guardian”.

Pars. (11) to (15). Pub. L. 113-186, §10(7), (8), added par. (11) and redesignated former pars. (11) to (14) as (12) to (15), respectively.

1997—Par. (13). Pub. L. 105-33 substituted “and” for “or” after “American Samoa.”

1996—Par. (2). Pub. L. 104-193, §614(1), in first sentence, inserted “or as a deposit for child care services if such a deposit is required of other children being cared for by the provider” after “payment for child care services”.

Par. (3). Pub. L. 104-193, §614(2), struck out heading and text of par. (3). Text read as follows: “The term ‘elementary school’ means a day or residential school that provides elementary education, as determined under State law.”

Par. (4)(B). Pub. L. 104-193, §614(3), substituted “85 percent” for “75 percent”.

Par. (5)(B). Pub. L. 104-193, §614(4), inserted “great grandchild, sibling (if such provider lives in a separate residence),” after “grandchild,” struck out “is registered and” after “such provider”, and substituted “any applicable requirements” for “any State requirements”.

Par. (10). Pub. L. 104-193, §614(5), struck out heading and text of par. (10). Text read as follows: “The term ‘secondary school’ means a day or residential school which provides secondary education, as determined under State law.”

Par. (13). Pub. L. 104-193, §614(6), inserted “or” after “Samoa,” and struck out “, and the Trust Territory of the Pacific Islands” after “Northern Mariana Islands”.

Par. (14). Pub. L. 104-193, §614(7), designated existing text as subpar. (A), inserted heading, and added subpar. (B).

1993—Pars. (7), (14). Pub. L. 103-171 made technical correction to directory language of Pub. L. 102-586, §8(c)(2). See 1992 Amendment note below.

1992—Pub. L. 102-401, §3(a), and Pub. L. 102-586, §8(c)(1), made identical technical corrections to directory language of Pub. L. 101-508, §5082(2), which added this section.

Par. (7). Pub. L. 102-586, §8(c)(2)(A), as amended by Pub. L. 103-171, which directed the amendment of par. (7) by substituting “section 5304(e) of title 25” for “section 5304(b) of title 25”, could not be executed because the words “section 5304(b) of title 25” did not appear subsequent to execution of the amendment by Pub. L. 102-401, §3(b)(1). See below.

Pub. L. 102-401, §3(b)(1), substituted “section 5304(e) of title 25” for “section 5304(b) of title 25”.

Par. (14). Pub. L. 102-586, §8(c)(2)(B), as amended by Pub. L. 103-171, which directed the amendment of par. (14) by substituting “section 5304(l) of title 25” for “section 5304(c) of title 25”, could not be executed because the words “section 5304(c) of title 25” did not appear subsequent to execution of the amendment by Pub. L. 102-401, §3(b)(2). See below.

Pub. L. 102-401, §3(b)(2), substituted “section 5304(l) of title 25” for “section 5304(c) of title 25”.

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of Title 20, Education.

#### 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.

#### EFFECTIVE DATE OF 1992 AMENDMENTS

Amendment by Pub. L. 102-586 effective Nov. 4, 1992, but not applicable with respect to fiscal years beginning before Oct. 1, 1992, see section 8(d) of Pub. L. 102-586, set out as a note under section 9858h of this title.

Amendment by Pub. L. 102-401 effective Oct. 7, 1992, but not applicable with respect to fiscal years beginning before Oct. 1, 1992, see section 4 of Pub. L. 102-401, set out as a note under section 9835 of this title.

### § 9858o. Parental rights and responsibilities

#### (a) In general

Nothing in this subchapter shall be construed or applied in any manner to infringe on or usurp the moral and legal rights and responsibilities of parents or legal guardians.

#### (b) Parental rights to use child care certificates

Nothing in this subchapter shall be construed in a manner—

(1) to favor or promote the use of grants and contracts for the receipt of child care services under this subchapter over the use of child care certificates; or

(2) to disfavor or discourage the use of such certificates for the purchase of child care services, including those services provided by private or nonprofit entities, such as faith-based providers.

(Pub. L. 97-35, title VI, §658Q, as added Pub. L. 101-508, title V, §5082(2), Nov. 5, 1990, 104 Stat. 1388-249; 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. 113-186, §11, Nov. 19, 2014, 128 Stat. 2001.)

#### AMENDMENTS

2014—Subsec. (a). Pub. L. 113-186 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

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.

### § 9858p. Severability

If any provision of this subchapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions of applications of this subchapter which can be given effect without regard to the invalid provision or application, and to this end the provisions of this subchapter shall be severable.

(Pub. L. 97-35, title VI, §658R, as added Pub. L. 101-508, title V, §5082(2), Nov. 5, 1990, 104 Stat. 1388-249; 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.)

#### AMENDMENTS

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.

**§ 9858q. Miscellaneous provisions**

Notwithstanding any other law, the value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under this subchapter shall not be treated as income for purposes of any other Federal or Federally-assisted program that bases eligibility, or the amount of benefits, on need.

(Pub. L. 97-35, title VI, § 658S, as added Pub. L. 102-586, § 8(b), Nov. 4, 1992, 106 Stat. 5035; amended Pub. L. 103-171, § 8, Dec. 2, 1993, 107 Stat. 1994.)

## AMENDMENTS

1993—Pub. L. 103-171 made technical correction to directory language of Pub. L. 102-586, § 8(b), which added this section.

## EFFECTIVE DATE

Section effective Nov. 4, 1992, but not applicable with respect to fiscal years beginning before Oct. 1, 1992, see section 8(d) of Pub. L. 102-586, set out as an Effective Date of 1992 Amendment note under section 9858h of this title.

**§ 9858r. Studies on waiting lists****(a) Study**

The Comptroller General of the United States shall conduct studies to determine, for each State, the number of families that—

- (1) are eligible to receive assistance under the Child Care and Development Block Grant Act of 1990 [42 U.S.C. 9857 et seq.];
- (2) have applied for the assistance, identified by the type of assistance requested; and
- (3) have been placed on a waiting list for the assistance.

**(b) Report**

The Comptroller General shall prepare a report containing the results of each study and shall submit the report to the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives—

- (1) not later than 2 years after November 19, 2014; and
- (2) every 2 years thereafter.

**(c) Definition**

In this section, the term “State” has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(Pub. L. 113-186, § 12, Nov. 19, 2014, 128 Stat. 2001.)

## REFERENCES IN TEXT

The Child Care and Development Block Grant Act of 1990, referred to in subsec. (a)(1), is subchapter C (§ 658A et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, as added by Pub. L. 101-508, title V, § 5082(2), Nov. 5, 1990, 104 Stat. 1388-236, which is classified generally to this subchapter. For complete classification of this Act to the Code, see section 9857(a) of this title and Tables.

## CODIFICATION

Section was enacted as part of the Child Care and Development Block Grant Act of 2014, and not as part of the Child Care and Development Block Grant Act of 1990, which comprises this subchapter.

## SUBCHAPTER II-C—CHILD CARE SAFETY AND HEALTH GRANTS

## CODIFICATION

This subchapter was enacted as part of title XIV of div. A of the Children’s Health Act of 2000, and not as part of chapter 8 of subtitle A of title VI of Pub. L. 97-35 which comprises this chapter.

**§ 9859. Definitions**

In this subchapter:

**(1) Child with a disability; infant or toddler with a disability**

The terms “child with a disability” and “infant or toddler with a disability” have the meanings given the terms in sections 1401 and 1431 of title 20.

**(2) Eligible child care provider**

The term “eligible child care provider” means a provider of child care services for compensation, including a provider of care for a school-age child during non-school hours, that—

- (A) is licensed, regulated, registered, or otherwise legally operating, under State and local law; and
- (B) satisfies the State and local requirements,

applicable to the child care services the provider provides.

**(3) Secretary**

The term “Secretary” means the Secretary of Health and Human Services.

**(4) State**

The term “State” means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(Pub. L. 106-310, div. A, title XIV, § 1401, Oct. 17, 2000, 114 Stat. 1143.)

**§ 9859a. Authorization of appropriations**

There are authorized to be appropriated to carry out this subchapter \$200,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year.

(Pub. L. 106-310, div. A, title XIV, § 1402, Oct. 17, 2000, 114 Stat. 1143.)

**§ 9859b. Programs**

The Secretary shall make allotments to eligible States under section 9859c of this title. The Secretary shall make the allotments to enable the States to establish programs to improve the health and safety of children receiving child care outside the home, by preventing illnesses and injuries associated with that care and promoting the health and well-being of children receiving that care.

(Pub. L. 106-310, div. A, title XIV, § 1403, Oct. 17, 2000, 114 Stat. 1143.)

**§ 9859c. Amounts reserved; allotments****(a) Amounts reserved**

The Secretary shall reserve not more than one-half of 1 percent of the amount appropriated