

staff, the lack of career progression for the staff, and the lack of child development specialists involved in early learning and child care programs, make it difficult to attract and retain the quality of staff necessary for a positive early learning experience;

“(12) Federal Government support for early learning has primarily focused on out-of-home care programs like those established under the Head Start Act [42 U.S.C. 9831 et seq.], the Child Care and Development Block Grant [Act] of 1990 [42 U.S.C. 9857 et seq.], and part C of the Individuals with Disabilities Education Act [20 U.S.C. 1431 et seq.], and these programs—

“(A) serve far fewer than half of all eligible children;

“(B) are not primarily designed to provide support for parents who care for their young children in the home; and

“(C) lack a means of coordinating early learning opportunities in each community; and

“(13) by helping communities increase, expand, and better coordinate early learning opportunities for children and their families, the productivity and creativity of future generations will be improved, and the Nation will be prepared for continued leadership in the 21st century.”

## § 9402. Definitions

In this chapter:

### (1) Caregiver

The term “caregiver” means an individual, including a relative, neighbor, or family friend, who regularly or frequently provides care, with or without compensation, for a child for whom the individual is not the parent.

### (2) Child care provider

The term “child care provider” means a provider of non-residential child care services (including center-based, family-based, and in-home child care services) for compensation who or that is legally operating under State law, and complies with applicable State and local requirements for the provision of child care services.

### (3) Early learning

The term “early learning”, used with respect to a program or activity, means learning designed to facilitate the development of cognitive, language, motor, and social-emotional skills for, and to promote learning readiness in, young children.

### (4) Early learning program

The term “early learning program” means—

(A) a program of services or activities that helps parents, caregivers, and child care providers incorporate early learning into the daily lives of young children; or

(B) a program that directly provides early learning to young children.

### (5) Indian tribe

The term “Indian tribe” has the meaning given the term in section 5304 of title 25.

### (6) Local Council

The term “Local Council” means a Local Council established or designated under section 9413(a) of this title that serves one or more localities.

### (7) Locality

The term “locality” means a city, county, borough, township, or area served by another

general purpose unit of local government, an Indian tribe, a Regional Corporation, or a Native Hawaiian entity.

### (8) Parent

The term “parent” means a biological parent, an adoptive parent, a stepparent, a foster parent, or a legal guardian of, or a person standing in loco parentis to, a child.

### (9) Poverty line

The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved.

### (10) Regional Corporation

The term “Regional Corporation” means an entity listed in section 619(4)(B) of title 42.

### (11) Secretary

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

### (12) State

The term “State” means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

### (13) Training

The term “training” means instruction in early learning that—

(A) is required for certification under State and local laws, regulations, and policies;

(B) is required to receive a nationally or State recognized credential or its equivalent;

(C) is received in a postsecondary education program focused on early learning or early childhood development in which the individual is enrolled; or

(D) is provided, certified, or sponsored by an organization that is recognized for its expertise in promoting early learning or early childhood development.

### (14) Young child

The term “young child” means any child from birth to the age of mandatory school attendance in the State where the child resides.

(Pub. L. 106-554, §1(a)(1) [title VIII, §803], Dec. 21, 2000, 114 Stat. 2763, 2763A-81.)

## § 9403. Prohibitions

### (a) Participation not required

No person, including a parent, shall be required to participate in any program of early childhood education, early learning, parent education, or developmental screening pursuant to the provisions of this chapter.

### (b) Rights of parents

Nothing in this chapter shall be construed to affect the rights of parents otherwise established in Federal, State, or local law.

### (c) Particular methods or settings

No entity that receives funds under this chapter shall be required to provide services under this chapter through a particular instructional

method or in a particular instructional setting to comply with this chapter.

**(d) Nonduplication**

No funds provided under this chapter shall be used to carry out an activity funded under another provision of law providing for Federal child care or early learning programs, unless an expansion of such activity is identified in the local needs assessment and performance goals under this chapter.

(Pub. L. 106-554, §1(a)(1) [title VIII, §804], Dec. 21, 2000, 114 Stat. 2763, 2763A-82.)

**§ 9404. Authorization and appropriation of funds**

There are authorized to be appropriated to the Department of Health and Human Services to carry out this chapter—

- (1) \$750,000,000 for fiscal year 2001;
- (2) \$1,000,000,000 for fiscal year 2002;
- (3) \$1,500,000,000 for fiscal year 2003; and
- (4) such sums as may be necessary for each of the fiscal years 2004 and 2005.

(Pub. L. 106-554, §1(a)(1) [title VIII, §805], Dec. 21, 2000, 114 Stat. 2763, 2763A-82.)

**§ 9405. Coordination of Federal programs**

**(a) Coordination**

The Secretary and the Secretary of Education shall develop mechanisms to resolve administrative and programmatic conflicts between Federal programs that would be a barrier to parents, caregivers, service providers, or children related to the coordination of services and funding for early learning programs.

**(b) Use of equipment and supplies**

In the case of a collaborative activity funded under this chapter and another provision of law providing for Federal child care or early learning programs, the use of equipment and nonconsumable supplies purchased with funds made available under this chapter or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under this chapter or such provision, during a period in which the activity is predominantly funded under this chapter or such provision.

(Pub. L. 106-554, §1(a)(1) [title VIII, §806], Dec. 21, 2000, 114 Stat. 2763, 2763A-82.)

**§ 9406. Program authorized**

**(a) Grants**

From amounts appropriated under section 9404 of this title the Secretary shall award grants to States to enable the States to award grants to Local Councils to pay the Federal share of the cost of carrying out early learning programs in the locality served by the Local Council.

**(b) Federal share**

**(1) In general**

The Federal share of the cost described in subsections (a) and (e) shall be 85 percent for the first and second years of the grant, 80 percent for the third and fourth years of the grant, and 75 percent for the fifth and subsequent years of the grant.

**(2) Non-Federal share**

The non-Federal share of the cost described in subsections (a) and (e) may be contributed in cash or in kind, fairly evaluated, including facilities, equipment, or services, which may be provided from State or local public sources, or through donations from private entities. For the purposes of this paragraph the term “facilities” includes the use of facilities, but the term “equipment” means donated equipment and not the use of equipment.

**(c) Maintenance of effort**

The Secretary shall not award a grant under this chapter to any State unless the Secretary first determines that the total expenditures by the State and its political subdivisions to support early learning programs (other than funds used to pay the non-Federal share under subsection (b)(2)) for the fiscal year for which the determination is made is equal to or greater than such expenditures for the preceding fiscal year.

**(d) Supplement not supplant**

Amounts received under this chapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to promote early learning.

**(e) Special rule**

If funds appropriated to carry out this chapter are less than \$150,000,000 for any fiscal year, the Secretary shall award grants for the fiscal year directly to Local Councils, on a competitive basis, to pay the Federal share of the cost of carrying out early learning programs in the locality served by the Local Council. In carrying out the preceding sentence—

(1) subsection (c), subsections (b) and (c) of section 9409 of this title, and paragraphs (1), (2), and (3) of section 9410(a) of this title shall not apply;

(2) State responsibilities described in section 9410(d) of this title shall be carried out by the Local Council with regard to the locality;

(3) the Secretary shall provide such technical assistance and monitoring as necessary to ensure that the use of the funds by Local Councils and the distribution of the funds to Local Councils are consistent with this chapter; and

(4) subject to paragraph (1), the Secretary shall assume the responsibilities of the Lead State Agency under this chapter, as appropriate.

(Pub. L. 106-554, §1(a)(1) [title VIII, §807], Dec. 21, 2000, 114 Stat. 2763, 2763A-82.)

**§ 9407. Uses of funds**

**(a) In general**

Subject to section 9409 of this title, grant funds under this chapter shall be used to pay for developing, operating, or enhancing voluntary early learning programs that are likely to produce sustained gains in early learning.

**(b) Limited uses**

Subject to section 9409 of this title, Lead State Agencies and Local Councils shall ensure that funds made available under this chapter to the