

Editorial Notes

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (c)(1)(B)(vi)(III), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (c)(1)(B)(vi)(IV), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175. Part C of the Act is classified generally to subchapter III (§1431 et seq.) of chapter 33 of Title 20, Education. Section 619 of the Act is classified to section 1419 of Title 20. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

AMENDMENTS

2015—Subsec. (c)(1)(B)(vi)(III) to (VII). Pub. L. 114-95 redesignated subcls. (IV) to (VII) as (III) to (VI), respectively, in subcl. (III) as redesignated, struck out “other” before “preschool programs” and substituted “the Elementary and Secondary Education Act of 1965” for “that Act”, and struck out former subcl. (III) which read as follows: “Early Reading First and Even Start programs carried out under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);”.

Statutory Notes and Related Subsidiaries

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.

§ 9852c. General provisions**(a) Limitation**

Nothing in this subchapter shall be construed to authorize or permit the Secretary or any employee or contractor of the Department of Health and Human Services to mandate, direct, or control, the selection of a curriculum, a program of instruction, or instructional materials, for a Head Start program.

(b) Special rule

Nothing in this subchapter shall be construed to authorize a Head Start program or a local educational agency to require the other to select or implement a specific curriculum or program of instruction.

(c) Definition

In this subchapter, the term “health”, when used to refer to services or care provided to enrolled children, their parents, or their siblings, shall be interpreted to refer to both physical and mental health.

(Pub. L. 97-35, title VI, §657C, as added Pub. L. 110-134, §27, Dec. 12, 2007, 121 Stat. 1448.)

SUBCHAPTER II-A—HEAD START
TRANSITION PROJECT**§§ 9855 to 9855g. Repealed. Pub. L. 105-285, title I, § 119, Oct. 27, 1998, 112 Stat. 2728**

Section 9855, Pub. L. 101-501, title I, §132, Nov. 3, 1990, 104 Stat. 1238; Pub. L. 103-382, title III, §391(v)(1), Oct. 20, 1994, 108 Stat. 4025, defined terms used in this subchapter.

Section 9855a, Pub. L. 101-501, title I, §133, Nov. 3, 1990, 104 Stat. 1238; Pub. L. 103-252, title I, §125(a), May 18, 1994, 108 Stat. 650, related to Head Start transition grants.

Section 9855b, Pub. L. 101-501, title I, §134, Nov. 3, 1990, 104 Stat. 1238; Pub. L. 103-382, title III, §391(v)(2), (3), Oct. 20, 1994, 108 Stat. 4025, related to eligibility for Head Start transition grants.

Section 9855c, Pub. L. 101-501, title I, §135, Nov. 3, 1990, 104 Stat. 1239; Pub. L. 103-382, title III, §391(v)(4), Oct. 20, 1994, 108 Stat. 4025, related to requirements for awarding Head Start transition grants.

Section 9855d, Pub. L. 101-501, title I, §136, Nov. 3, 1990, 104 Stat. 1239; Pub. L. 102-119, §26(d), Oct. 7, 1991, 105 Stat. 607; Pub. L. 103-382, title III, §391(v)(5)-(7), Oct. 20, 1994, 108 Stat. 4025, related to applications for Head Start transition grants.

Section 9855e, Pub. L. 101-501, title I, §137, Nov. 3, 1990, 104 Stat. 1241, related to evaluation of and report on programs assisted under Head Start transition project.

Section 9855f, Pub. L. 101-501, title I, §138, Nov. 3, 1990, 104 Stat. 1242, related to payments and Federal share of payments under Head Start transition project.

Section 9855g, Pub. L. 101-501, title I, §139, Nov. 3, 1990, 104 Stat. 1242, related to coordination with programs established under the Follow Through Act.

SUBCHAPTER II-B—CHILD CARE AND
DEVELOPMENT BLOCK GRANT**Editorial Notes**

CODIFICATION

Subchapter is based on subchapter C 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, and amended by 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.

§ 9857. Short title and purposes**(a) Short title**

This subchapter may be cited as the “Child Care and Development Block Grant Act of 1990”.

(b) Purposes

The purposes of this subchapter are—

(1) to allow each State maximum flexibility in developing child care programs and policies that best suit the needs of children and parents within that State;

(2) to promote parental choice to empower working parents to make their own decisions regarding the child care services that best suit their family’s needs;

(3) to encourage States to provide consumer education information to help parents make informed choices about child care services and to promote involvement by parents and family members in the development of their children in child care settings;

(4) to assist States in delivering high-quality, coordinated early childhood care and education services to maximize parents’ options and support parents trying to achieve independence from public assistance;

(5) to assist States in improving the overall quality of child care services and programs by implementing the health, safety, licensing, training, and oversight standards established in this subchapter and in State law (including State regulations);

(6) to improve child care and development of participating children; and

(7) to increase the number and percentage of low-income children in high-quality child care settings.

(Pub. L. 97–35, title VI, § 658A, as added Pub. L. 101–508, title V, § 5082(2), Nov. 5, 1990, 104 Stat. 1388–236; 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, § 602, Aug. 22, 1996, 110 Stat. 2279; Pub. L. 113–186, § 2, Nov. 19, 2014, 128 Stat. 1971.)

Editorial Notes

CODIFICATION

Subsection (a) of this section was formerly set out as a note under section 9801 of this title. Subsection (b) of this section was formerly set out as a note under section 9858 of this title.

AMENDMENTS

2014—Pub. L. 113–186 amended section generally. Prior to amendment, text read as follows:

“(a) SHORT TITLE.—This subchapter may be cited as the ‘Child Care and Development Block Grant Act of 1990’.

“(b) GOALS.—The goals of this subchapter are—

“(1) to allow each State maximum flexibility in developing child care programs and policies that best suit the needs of children and parents within such State;

“(2) to promote parental choice to empower working parents to make their own decisions on the child care that best suits their family’s needs;

“(3) to encourage States to provide consumer education information to help parents make informed choices about child care;

“(4) to assist States to provide child care to parents trying to achieve independence from public assistance; and

“(5) to assist States in implementing the health, safety, licensing, and registration standards established in State regulations.”

1996—Pub. L. 104–193 inserted “and goals” after “title” in section catchline, 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.

§ 9858. Authorization of appropriations

There is authorized to be appropriated to carry out this subchapter \$2,360,000,000 for fiscal year 2015, \$2,478,000,000 for fiscal year 2016, \$2,539,950,000 for fiscal year 2017, \$2,603,448,750 for fiscal year 2018, \$2,668,534,969 for fiscal year 2019, and \$2,748,591,018 for fiscal year 2020.

(Pub. L. 97–35, title VI, § 658B, as added Pub. L. 101–508, title V, § 5082(2), Nov. 5, 1990, 104 Stat. 1388–236; 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, § 603(a), Aug. 22, 1996, 110 Stat. 2279; Pub. L. 113–186, § 3, Nov. 19, 2014, 128 Stat. 1971.)

Editorial Notes

AMENDMENTS

2014—Pub. L. 113–186 substituted “subchapter \$2,360,000,000 for fiscal year 2015, \$2,478,000,000 for fiscal year 2016, \$2,539,950,000 for fiscal year 2017, \$2,603,448,750 for fiscal year 2018, \$2,668,534,969 for fiscal year 2019, and \$2,748,591,018 for fiscal year 2020” for “subchapter \$1,000,000,000 for each of the fiscal years 1996 through 2002”.

1996—Pub. L. 104–193 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subchapter, \$750,000,000 for fiscal year 1991, \$825,000,000 for fiscal year 1992, \$925,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 and 1995.”

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–193, title VI, § 615, Aug. 22, 1996, 110 Stat. 2287, provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), this title [see Short title of 1996 Amendment note set out under section 9801 of this title] and the amendments made by this title shall take effect on October 1, 1996.

“(b) EXCEPTION.—The amendment made by section 603(a) [amending this section] shall take effect on the date of enactment of this Act [Aug. 22, 1996].”

CHILD CARE STABILIZATION

Pub. L. 117–2, title II, § 2202, Mar. 11, 2021, 135 Stat. 31, provided that:

“(a) DEFINITIONS.—In this section:

“(1) COVID–19 PUBLIC HEALTH EMERGENCY.—The term ‘COVID–19 public health emergency’ means the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19, including any renewal of the declaration.

“(2) ELIGIBLE CHILD CARE PROVIDER.—The term ‘eligible child care provider’ means—

“(A) an eligible child care provider as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n); or

“(B) a child care provider that is licensed, regulated, or registered in the State, territory, or Indian Tribe on the date of enactment of this Act [Mar. 11, 2021] and meets applicable State and local health and safety requirements.

“(b) CHILD CARE STABILIZATION FUNDING.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, \$23,975,000,000, to remain available through September 30, 2021, for grants under this section in accordance with the Child Care and Development Block Grant Act of 1990 [42 U.S.C. 9857 et seq.].

“(c) GRANTS.—From the amounts appropriated to carry out this section and under the authority of section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) and this section, the Secretary shall award to each lead agency a child care stabilization grant, without regard to the requirements in subparagraphs (C) and (E) of section 658E(c)(3), and in section 658G, of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3), 9858e). Such grant shall be allotted in accordance with section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m).

“(d) STATE RESERVATIONS AND SUBGRANTS.—

“(1) RESERVATION.—A lead agency for a State that receives a child care stabilization grant pursuant to subsection (c) shall reserve not more than 10 percent of such grant funds to administer subgrants, provide technical assistance and support for applying for and accessing the subgrant opportunity, publicize the availability of the subgrants, carry out activities to increase the supply of child care, and provide technical assistance to help child care providers implement policies as described in paragraph (2)(D)(i).

“(2) SUBGRANTS TO QUALIFIED CHILD CARE PROVIDERS.—