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42 USC CHAPTER 105 – COMMUNITY SERVICES PROGRAMS 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

–HEAD–

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

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SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

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CODIFICATION

Subchapter is based on subchapter A of chapter 8 of subtitle A of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 489, as amended.

–SECREf–

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 4953 of this title.

–End–

–CITE–

42 USC Sec. 9801 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

–HEAD–

Sec. 9801. Statement of purpose

–STATUTE–

The purpose of this subchapter is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large, with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 612, Aug. 13, 1981, 95 Stat. 489.)

–MISC1–

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–285, Sec. 1, Oct. 27, 1998, 112 Stat. 2702, provided that: "This Act [see Tables for classification] may be cited as the 'Community Opportunities, Accountability, and Training and Educational Services Act of 1998' or the 'Coats Human Services Reauthorization Act of 1998'."

Pub. L. 105–285, title I, Sec. 101, Oct. 27, 1998, 112 Stat. 2703, provided that: "This title [enacting section 9837a of this title, amending sections 9831 to 9835, 9836 to 9837, 9838 to 9840a, 9843 to 9844, and 9846 of this title, and repealing sections 9852a and 9855 to 9855g of this title and provisions set out as a note under this section] may be cited as the 'Head Start Amendments of 1998'."

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–193, title VI, Sec. 601(a), Aug. 22, 1996, 110 Stat. 2278, provided that: "This title [enacting section 618 of this title, amending sections 9858, 9858b to 9858e, 9858g to 9858j, 9858m, and 9858n of this title, repealing section 9858f of this title, enacting provisions set out as notes under section 9858 of this title, and amending provisions set out as a note below] may be cited as the 'Child Care and Development Block Grant Amendments of 1996'."

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103–252, Sec. 1, May 18, 1994, 108 Stat. 623, provided that: "This Act [see Tables for classification] may be cited as the 'Human Services Amendments of 1994'."

Pub. L. 103–252, title I, Sec. 101(a), May 18, 1994, 108 Stat. 624, provided that: "This title [enacting sections 9836a, 9840a, 9843a, and 9852a of this title, transferring sections 3161 to 3161g of Title 20, Education, to sections 1235 to 1235g of Title 20, respectively, amending sections 1396r–5, 9832 to 9835, 9836, 9837, 9839, 9840, 9841, 9843, 9844, 9846, 9855a, 9871, and 10905 of this title and sections 1235, 1235a, and 1235c to 1235e of Title 20, repealing sections 9835a, 9845, 9846a, 9847, and 9881 to 9887 of this title, enacting provisions set out as notes under sections 9832, 9839, 9844, and 9881 of this title, and repealing provisions set out as notes under this section and section 9881 of this title] may be cited as the 'Head Start Act Amendments of 1994'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102–401, Sec. 1, Oct. 7, 1992, 106 Stat. 1956, provided that: "This Act [amending sections 9835 to 9839, 9846, 9846a, and 9858n of this title and enacting provisions set out as notes under sections 9835 and 9836 of this title] may be cited as the 'Head Start Improvement Act of 1992'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–501, Sec. 1(a), Nov. 3, 1990, 104 Stat. 1222, provided that: "This Act [see Tables for classification] may be cited as the 'Augustus F. Hawkins Human Services Reauthorization Act of 1990'."

Pub. L. 101–501, title I, Sec. 101, Nov. 3, 1990, 104 Stat. 1224, provided that: "This subtitle [subtitle A (Secs. 101–123) of title I of Pub. L. 101–501, enacting sections 9835a and 9846a of this title and amending sections 9831, 9832, 9834, 9835, 9836 to 9841, 9843 to 9846, 9847, and 9848 of this title] may be cited as the 'Head Start Expansion and Quality Improvement Act'."

Pub. L. 101–501, title I, Sec. 131, Nov. 3, 1990, 104 Stat. 1238, provided that subtitle B (Secs. 131–140) of title I of Pub. L. 101–501, enacting subchapter II–A of this chapter and amending section 9834 of this title, could be cited as the "Head Start Transition Project Act", prior to repeal by Pub. L. 105–285, title I, Sec. 119, Oct. 27, 1998, 112 Stat. 2728.

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101–120, Sec. 1, Oct. 23, 1989, 103 Stat. 700, provided that: "This Act [amending section 9834 of this title] may be cited as the 'Head Start Supplemental Authorization Act of 1989'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–297, title II, Sec. 2501, Apr. 28, 1988, 102 Stat. 325, provided that part E (Secs. 2501–2504) of title II of Pub. L. 100–297, which enacted subchapter V of this chapter, amended section 9833 of this title, and enacted provisions set out as notes under this section and section 9881 of this title, could be cited as the "Comprehensive Child Development Centers Act of 1988", prior to repeal by Pub. L. 103–252, title I, Sec. 112(b)(1), (2)(A), May 18, 1994, 108 Stat. 640, 641.

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99–425, Sec. 1, Sept. 30, 1986, 100 Stat. 966, provided:

"That this Act [enacting sections 8628a, 9812a, 9910b, and 10901 to 10905 of this title, amending sections 8621, 8623, 8624, 8629, 9803, 9834, 9835, 9837, 9840, 9862, 9867, 9871, 9874, 9877, 9901 to 9904, 9905a, 9908 to 9910, and 9910a of this title and section 4033 of Title 20, Education, enacting provisions set out as notes under this section and sections 8621, 8623, and 10901 of this title, and amending provisions set out as notes under section 9861 of this title and section 1932 of Title 7, Agriculture] may be cited as the 'Human Services Reauthorization Act of 1986'."

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98–558, Sec. 1, Oct. 30, 1984, 98 Stat. 2878, provided:

"That this Act [enacting sections 9871 to 9877, 9905a, and 9910a of this title and sections 1070d–31 to 1070d–41, 1119d to 1119d–8, 1119e to 1119e–5, and 4201 to 4206 of Title 20, Education, amending sections 2991b, 2992b to 2992d, 6862, 6865, 8621 to 8624, 8626, 8627, 8629, 9832, 9834 to 9836, 9840, 9843, 9844, 9846, 9862, 9901, 9902, 9904, 9908, and 9910 of this title and section 4061 of Title 20, enacting provisions set out as notes under sections 2991, 8621, and 9904 of this title, and amending provisions set out as a note under section 9861 of this title] may be cited as the 'Human Services Reauthorization Act'."

SHORT TITLE

Section 611 of subchapter A (Secs. 611–633) of chapter 8 of subtitle A of title VI of Pub. L. 97–35 provided that: "This subchapter [enacting this subchapter] may be cited as the

'Community Economic Development Act of 1981'."

Section 635 of subchapter B (Secs. 635–657) of chapter 8 of subtitle A of title VI of Pub. L. 97–35 provided that: "This subchapter [enacting subchapter II of this chapter] may be cited as the 'Head Start Act'."

Section 658A(a) of subchapter C (Sec. 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, Sec. 5082(2), Nov. 5, 1990, 104 Stat. 1388–236, and amended by Pub. L. 102–401, Sec. 3(a), Oct. 7, 1992, 106 Stat. 1959; Pub. L. 102–586, Sec. 8(c)(1), Nov. 4, 1992, 106 Stat. 5036; Pub. L. 104–193, title VI, Sec. 602(2), Aug. 22, 1996, 110 Stat. 2279, provided that: "This subchapter [enacting subchapter II–B of this chapter] may be cited as the 'Child Care and Development Block Grant Act of 1990'."

Section 661 of subchapter D [formerly C] (Secs. 661–670) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, as renumbered by Pub. L. 101–508, title V, Sec. 5082(1), Nov. 5, 1990, 104 Stat. 1388–236, and amended by Pub. L. 102–401, Sec. 3(a), Oct. 7, 1992, 106 Stat. 1959; Pub. L. 102–586, Sec. 8(c)(1), Nov. 4, 1992, 106 Stat. 5036, provided that former subchapter III of this chapter could be cited as the "Follow Through Act", prior to repeal by Pub. L. 103–382, title III, Sec. 391(w), Oct. 20, 1994, 108 Stat. 4025.

Section 670H of subchapter E [formerly D] (Secs. 670A–670H) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, as added by Pub. L. 99–425, title III, Sec. 304, Sept. 30, 1986, 100 Stat. 968, renumbered by Pub. L. 101–508, title V, Sec. 5082(1), Nov. 5, 1990,

104 Stat. 1388–236, and amended by Pub. L. 102–401, Sec. 3(a), Oct. 7, 1992, 106 Stat. 1959; Pub. L. 102–586, Sec. 8(c)(1), Nov. 4, 1992, 106 Stat. 5036, provided that: "This subchapter [enacting subchapter IV of this chapter] may be cited as the 'State Dependent Care Development Grants Act'."

Section 670M of subchapter F [formerly E] (Secs. 670M–670T) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, as added by Pub. L. 100–297, title II, Sec. 2503, Apr. 28, 1988, 102 Stat. 325, renumbered by Pub. L. 101–508, title V, Sec. 5082(1), Nov. 5, 1990, 104 Stat. 1388–236, and amended by Pub. L. 102–401, Sec. 3(a), Oct. 7, 1992, 106 Stat. 1959; Pub. L. 102–586, Sec. 8(c)(1), Nov. 4, 1992, 106 Stat. 5036, provided that former subchapter V of this chapter could be cited as the "Comprehensive Child Development Act", prior to repeal by Pub. L. 103–252, title I, Sec. 112(b)(1), (2)(B), May 18, 1994, 108 Stat. 640, 641.

INCONSISTENT LAWS SUPERSEDED DURING FISCAL YEARS 1982, 1983, AND 1984

Section 601 of subtitle A (Secs. 601–670) of title VI of Pub. L. 97–35 provided that:

"(a) Any provision of law which is not consistent with the provisions of this subtitle hereby is superseded and shall have only such force and effect during each of the fiscal years 1982, 1983, and 1984 which is consistent with this subtitle.

"(b) Notwithstanding any authorization of appropriations for fiscal year 1982, 1983, or 1984 contained in any provision of law which is specified in this subtitle, no funds are authorized to be

appropriated in excess of the limitations imposed upon appropriations by the provisions of this subtitle."

–End–

–CITE–

42 USC Sec. 9802 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

–HEAD–

Sec. 9802. "Community development corporation" defined

–STATUTE–

For purposes of this subchapter, the term "community development corporation" means a nonprofit organization responsible to residents of the area it serves which is receiving financial assistance under part A of this subchapter and any organization more than 50 percent of which is owned by such an organization, or otherwise controlled by such an organization, or designated by such an organization for the purpose of this subchapter.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 613, Aug. 13, 1981, 95 Stat. 489.)

–End–

–CITE–

42 USC Sec. 9803 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

–HEAD–

Sec. 9803. Repealed. Pub. L. 105–285, title II, Sec. 202(b)(1),

Oct. 27, 1998, 112 Stat. 2755

–MISC1–

Section, Pub. L. 97–35, title VI, Sec. 614, Aug. 13, 1981, 95

Stat. 489; Pub. L. 99–425, title IV, Sec. 405(c)(3), Sept. 30,

1986, 100 Stat. 970, related to source of funds for carrying out

this subchapter.

–End–

–CITE–

42 USC Sec. 9804 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

–HEAD–

Sec. 9804. Advisory Community Investment Board

–STATUTE–

(a) National Community Investment Board; functions, composition,
etc.

(1) The President is authorized to establish a National Advisory
Community Investment Board (hereinafter in this section referred to
as the "Investment Board"). Such Investment Board shall be composed
of 15 members appointed, for staggered terms and without regard to

the civil service laws, by the President, in consultation with the Secretary of Health and Human Services (hereinafter in this subchapter referred to as the "Secretary"). Such members shall be representative of the investment and business communities and appropriate fields of endeavor related to this subchapter. The Investment Board shall meet at the call of the chairperson, but not less often than 3 times each year. The Secretary and the administrator of community economic development programs shall be ex officio members of the Investment Board.

(2) The Secretary shall carry out the provisions of this subchapter through an appropriate office.

(b) Function

The Investment Board shall promote cooperation between private investors and businesses and community development corporation projects through –

(1) advising the Secretary and the community development corporations on ways to facilitate private investment;

(2) advising businesses and other investors of opportunities in community development corporation projects; and

(3) advising the Secretary, community development corporations, and private investors and businesses of ways in which they might engage in mutually beneficial efforts.

(c) Local advisory community investment boards; establishment, composition, etc.

The governing body of each Community Development Corporation may establish an advisory community investment board composed of not to

exceed 15 members who shall be appointed by the governing body after consultation with appropriate local officials. Each such board shall promote cooperation between private investors and businesses and the governing body of the Community Development Corporation through –

- (1) advising the governing body on ways to facilitate private investors;
- (2) advising businesses and other investors of opportunities in Community Development Corporation projects; and
- (3) advising the governing body, private investors, and businesses of ways in which they might engage in mutually beneficial efforts.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 615, Aug. 13, 1981, 95 Stat. 489; Pub. L. 105–285, title II, Sec. 202(b)(2), Oct. 27, 1998, 112 Stat. 2755.)

–REFTEXT–

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (a)(1), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

–MISC1–

AMENDMENTS

1998 – Subsec. (a)(2). Pub. L. 105–285 substituted "through an appropriate office" for "through the Office of Community Services established in section 9905(a) of this title".

TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

-End-

-CITE-

42 USC Part A – Urban and Rural Special Impact Programs 01/06/03

-EXPCITE-

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part A – Urban and Rural Special Impact Programs

-HEAD-

PART A – URBAN AND RURAL SPECIAL IMPACT PROGRAMS

-SECREP-

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 9802, 9819 of this title;
title 15 section 632.

-End-

–CITE–

42 USC Sec. 9805 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part A – Urban and Rural Special Impact Programs

–HEAD–

Sec. 9805. Statement of purpose

–STATUTE–

The purpose of this part is to establish special programs of assistance to nonprofit private locally initiated community development corporations which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having concentrations or substantial numbers of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting tendencies toward dependency, chronic unemployment, and community deterioration; (3) hold forth the prospect of continuing to have such impact after the termination of financial assistance under this part; and (4) provide financial and other assistance to start, expand, or locate enterprises in or near the area to be served so as to provide employment and ownership opportunities for residents of such areas, including those who are

disadvantaged in the labor market because of their limited speaking, reading, and writing abilities in the English language.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 616, Aug. 13, 1981, 95 Stat. 490.)

–End–

–CITE–

42 USC Sec. 9806 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part A – Urban and Rural Special Impact Programs

–HEAD–

Sec. 9806. Establishment and scope of programs

–STATUTE–

(a) The Secretary is authorized to provide financial assistance in the form of grants to nonprofit and for profit community development corporations and other affiliated and supportive agencies and organizations associated with qualifying community development corporations for the payment of all or part of the cost of programs which are designed to carry out the purposes of this part. Financial assistance shall be provided so that each community economic development program is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include –

(1) community business and commercial development programs,

including (A) programs which provide financial and other assistance (including equity capital) to start, expand, or locate businesses in or near the area served so as to provide employment and ownership opportunities for residents of such areas; and (B) programs for small businesses located in or owned by residents of such areas;

(2) community physical development programs, including industrial parks and housing activities, which contribute to an improved environment and which create new training, employment and ownership opportunities for residents of such area;

(3) training and public service employment programs and related services for unemployed or low-income persons which support and complement community development programs financed under this part, including, without limitation, activities such as the activities described in title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.]; and

(4) social service programs which support and complement community business and commercial development programs financed under this part, including child care, educational services, health services, credit counseling, energy conservation, recreation services, and programs for the maintenance of housing facilities.

(b) The Secretary shall conduct programs assisted under this part so as to contribute, on an equitable basis between urban and rural areas, to the elimination of poverty and the establishment of permanent economic and social benefits in such areas.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 617, Aug. 13, 1981, 95 Stat. 491;
Pub. L. 105–277, div. A, Sec. 101(f) [title VIII, Sec. 405(d)(40),
(f)(31)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–427, 2681–434.)

–REFTEXT–

REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsec.
(a)(3), is Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, as
amended. Title I of the Act is classified principally to chapter 30
(Sec. 2801 et seq.) of Title 29, Labor. For complete classification
of this Act to the Code, see Short Title note set out under section
9201 of Title 20, Education, and Tables.

–MISC1–

AMENDMENTS

1998 – Subsec. (a)(3). Pub. L. 105–277, Sec. 101(f) [title VIII,
Sec. 405(f)(31)], struck out "the Job Training Partnership Act or"
after "activities described in".

Pub. L. 105–277, Sec. 101(f) [title VIII, Sec. 405(d)(40)],
substituted "activities such as the activities described in the Job
Training Partnership Act or title I of the Workforce Investment Act
of 1998" for "activities such as those described in the
Comprehensive Employment and Training Act".

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 101(f) [title VIII, Sec. 405(d)(40)] of Pub.
L. 105–277 effective Oct. 21, 1998, and amendment by section 101(f)
[title VIII, Sec. 405(f)(31)] of Pub. L. 105–277 effective July 1,

2000, see section 101(f) [title VIII, Sec. 405(g)(1), (2)(B)] of
Pub. L. 105-277, set out as a note under section 3502 of Title 5,
Government Organization and Employees.

-End-

-CITE-

42 USC Sec. 9807 01/06/03

-EXPCITE-

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part A – Urban and Rural Special Impact Programs

-HEAD-

Sec. 9807. Financial assistance requirements

-STATUTE-

(a) Conditions

The Secretary, under such regulations as the Secretary may
establish, shall not provide financial assistance for any community
economic development program under this part unless the Secretary
determines that –

(1) such community development corporation is responsible to
residents of the area served (A) through a governing body not
less than 50 percent of the members of which are area residents;
and (B) in accordance with such other guidelines as may be
established by the Secretary, except that the composition of the
governing bodies of organizations owned or controlled by the
community development corporation need not be subject to such

residency requirement;

(2) the program will be appropriately coordinated with local planning under this subchapter with housing and community development programs, with employment and training programs, and with other relevant planning for physical and human resources in the areas served;

(3) adequate technical assistance is made available and committed to the programs being supported;

(4) such financial assistance will materially further the purposes of this part;

(5) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met;

(6) all projects and related facilities will, to the maximum feasible extent, be located in the areas served;

(7) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses and housing, cooperatively or otherwise, by residents of the area served;

(8) projects will be planned and carried out with the fullest possible participation of resident or local businessmen and representatives of financial institutions, including participation through contract, joint venture, partnership, stock ownership or membership on the governing boards or advisory councils of such projects consistent with the self-help purposes of this subchapter;

- (9) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;
- (10) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal or other funds in connection with work that would otherwise be performed;
- (11) the rates of pay for time spent in work training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;
- (12) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;
- (13) preference will be given to low-income or economically disadvantaged residents of the areas served in filling jobs and training opportunities; and
- (14) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities, neighborhoods, or rural areas other than those for which programs are established under this part.
- (b) Relocations substantially increasing unemployment

Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in a substantial increase in unemployment in the area of original location.

(c) Community economic development program; application; specification of goals

Financial assistance for commercial development under this part shall not be extended until the community economic development program that has applied for assistance under this subchapter has specified in some detail its development goals and its development timetable. The Secretary, in providing continued financial assistance to a community economic development program, shall give serious consideration to the experience such program has had in meeting development goals or in adhering to development timetables.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 618, Aug. 13, 1981, 95 Stat. 491.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9808 of this title.

–End–

–CITE–

42 USC Sec. 9808 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part A – Urban and Rural Special Impact Programs

–HEAD–

Sec. 9808. Federal share; amount; availability; ownership of property acquired with Federal financial assistance

–STATUTE–

(a)(1) Assistance provided under this subchapter to any program described in section 9807(a) of this title shall not exceed 90 percent of the cost of such program, including costs of administration, unless the Secretary determines that the assistance in excess of such percentage is required in furtherance of the purposes of this subchapter. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

(2) The assistance referred to in paragraph (1) shall be made available (A) for deposit to the order of grantees which have demonstrated successful program performance, under conditions which the Secretary deems appropriate, within 30 days following approval of the grant agreement by the Secretary and such grantee; or (B) whenever the Secretary deems appropriate, in accordance with applicable rules and regulations prescribed by the Secretary of the Treasury, and including any other conditions which the Secretary of Health and Human Services deems appropriate, within 30 days following approval of the grant agreement by the Secretary and such grantee.

(b) Property acquired as a result of capital investments made by any community development corporation with funds granted as its

Federal share of the cost of programs carried out under this subchapter, and the proceeds from such property, shall become the property of the community development corporation and shall not be considered to be Federal property. The Federal Government retains the right to direct that on severance of the grant relationship the assets purchased with grant funds shall continue to be used for the original purpose for which they were granted.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 619, Aug. 13, 1981, 95 Stat. 493.)

–End–

–CITE–

42 USC Part B – Special Rural Programs 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part B – Special Rural Programs

–HEAD–

PART B – SPECIAL RURAL PROGRAMS

–End–

–CITE–

42 USC Sec. 9809 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part B – Special Rural Programs

–HEAD–

Sec. 9809. Statement of purpose

–STATUTE–

It is the purpose of this part to meet the special economic needs of rural communities or areas with concentrations or substantial numbers of low-income persons by providing support to self-help programs which promote economic development and independence, as a supplement to existing similar programs conducted by other departments and agencies of the Federal Government. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 620, Aug. 13, 1981, 95 Stat. 493.)

–End–

–CITE–

42 USC Sec. 9810 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part B – Special Rural Programs

–HEAD–

Sec. 9810. Financial assistance to low-income families, local cooperative associations, and local public or private nonprofit organizations or entities; amount, purposes, etc.

–STATUTE–

(a) The Secretary is authorized to provide financial assistance, including loans having a maximum maturity of fifteen years and in amounts not resulting in an aggregate principal indebtedness of more than \$3,500 at any one time, to any low-income rural family where, in the judgment of the Secretary, such financial assistance has a reasonable possibility of effecting a permanent increase in the income of such families, or will contribute to the improvement of their living or housing conditions, by assisting or permitting them to –

(1) acquire or improve real estate or reduce encumbrances or erect improvements thereon;

(2) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment; or

(3) participate in cooperative associations, or finance nonagricultural (!1) enterprises which will enable such families to supplement their income.

(b) The Secretary is authorized to provide financial assistance to local cooperative associations or local public and private nonprofit organizations or agencies in rural areas containing concentrations or substantial numbers of low-income persons for the purpose of defraying all or part of the costs of establishing and operating cooperative programs for farming, purchasing, marketing, processing, and to improve their income as producers and their purchasing power as consumers, and to provide such essentials as

credit and health services. Costs which may be defrayed shall

include –

- (1) administrative costs of staff and overhead;
- (2) costs of planning and developing new enterprises;
- (3) costs of acquiring technical assistance; and
- (4) initial capital where it is determined by the Secretary

that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 621, Aug. 13, 1981, 95 Stat. 493.)

–FOOTNOTE–

(1) So in original. Probably should be "nonagricultural".

–End–

–CITE–

42 USC Sec. 9811 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part B – Special Rural Programs

–HEAD–

Sec. 9811. Limitation on assistance

–STATUTE–

No financial assistance shall be provided under this part unless the Secretary determines that –

- (1) any cooperative association receiving assistance has a

minimum of fifteen active members, a majority of which are

low-income rural persons;

(2) adequate technical assistance is made available and committed to the programs being supported;

(3) such financial assistance will materially further the purposes of this part; and

(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

–SOURCE–

(Pub. L. 97-35, title VI, Sec. 622, Aug. 13, 1981, 95 Stat. 494.)

–End–

–CITE–

42 USC Part C – Development Loans to Community Economic Development Programs 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part C – Development Loans to Community Economic Development Programs

–HEAD–

PART C – DEVELOPMENT LOANS TO COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

–End–

–CITE–

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part C – Development Loans to Community Economic Development
Programs

–HEAD–

Sec. 9812. Development loan fund

–STATUTE–

(a) Authorities, scope, and purposes; conditions; interest rate;
repayment

The Secretary is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis) to community development corporations, to families and local cooperatives and the designated supportive organizations of cooperatives eligible for financial assistance under this subchapter, to private nonprofit organizations receiving assistance under chapter 106 of this title, or to public and private nonprofit organizations or agencies, for business facilities and community development projects, including community development credit unions, which the Secretary determines will carry out the purposes of this part. No loans, guarantees, or other financial assistance shall be provided under this section unless the Secretary determines that –

(1) there is reasonable assurance of repayment of the loan;
(2) the loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs;
and

(3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made.

Loans made by the Secretary pursuant to this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program as the Secretary of Health and Human Services may determine to be consistent with its purposes, except that, for the 5 years following the date in which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Secretary in light of the particular needs of the borrower, which rate shall not be lower than 1 percent. All such loans shall be repayable within a period of not more than 30 years.

(b) Adjustment of interest rates, moratorium on principal and interest, etc.

The Secretary is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by the Secretary, and to take such other actions in respect to such loans as the Secretary shall

determine to be necessary or appropriate, consistent with the purposes of this section.

(c) Establishment, funding, etc.

(1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the Rural Development Loan Fund and the other of which shall be a revolving fund called the Community Development Loan Fund. The capital of each such revolving fund shall remain available until expended.

(2) The Rural Development Loan Fund shall consist of the remaining funds provided for in part A of title III of the Economic Opportunity Act of 1964 [42 U.S.C. 2841 et seq.], as in effect on September 19, 1972, and such amounts as may be deposited in such fund by the Secretary out of funds made available from appropriations for purposes of carrying out this part. The Secretary shall utilize the services of the Farmers Home Administration,⁽¹¹⁾ or the Rural Development Administration in administering such fund.

(3) The Community Development Loan Fund shall consist of such amounts as may be deposited in such fund by the Secretary out of funds made available from appropriations for purposes of carrying out this subchapter. The Secretary may make deposits in the Community Development Loan Fund in any fiscal year in which the Secretary has made available for grants to community development corporations under this subchapter not less than \$60,000,000 out of

funds made available from appropriations for purposes of carrying out this subchapter.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 623, Aug. 13, 1981, 95 Stat. 494; Pub. L. 101–624, title XXIII, Sec. 2303(f)(1), Nov. 28, 1990, 104 Stat. 3981.)

–REFTEXT–

REFERENCES IN TEXT

Chapter 106 of this title, referred to in subsec. (a), was in the original "subtitle B of this title", meaning subtitle B (Sec. 671 et seq.) of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 511, as amended, known as the Community Services Block Grant Act, which is classified generally to chapter 106 (Sec. 9901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9901 of this title and Tables.

The Economic Opportunity Act of 1964, referred to in subsec. (c)(2), is Pub. L. 88–452, Aug. 20, 1964, 78 Stat. 508, as amended.

Part A of title III of the Economic Opportunity Act of 1964 was classified generally to part A (Sec. 2841 et seq.) of subchapter III of chapter 34 of this title prior to repeal by Pub. L. 97–35, title VI, Sec. 683(a), Aug. 13, 1981, 95 Stat. 519. For complete classification of this Act to the Code, see Tables.

–MISC1–

AMENDMENTS

1990 – Subsec. (c)(2). Pub. L. 101–624 inserted ", or the Rural

Development Administration" after "Farmers Home Administration".

–TRANS–

TRANSFER OF FUNCTIONS

Functions relating to administration of Community Development Credit Union Revolving Loan Fund transferred from Secretary of Health and Human Services to National Credit Union Administration Board by Pub. L. 99–609, set out as a note under section 9822 of this title.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9812a, 9822 of this title.

–FOOTNOTE–

(!1) So in original. The comma probably should not appear.

–End–

–CITE–

42 USC Sec. 9812a 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part C – Development Loans to Community Economic Development Programs

–HEAD–

Sec. 9812a. Interest rates payable on certain rural development loans; assignment of loan contracts

–STATUTE–

(a) Modification of interest rates

Notwithstanding any other provision of law –

(1) any outstanding loan made after December 31, 1982, by the

Secretary of Health and Human Services; or

(2) any loan made after September 30, 1986;

with moneys from the Rural Development Loan Fund established by

section 9812(c)(1) of this title or with funds available (before

October 27, 1998) under section 9910(a) of this title (as in effect

before October 27, 1998) to an intermediary borrower shall bear

interest at a fixed rate equal to the rate of interest that was in

effect on the date of issuance for loans made in 1980 with such

moneys or such funds if the weighted average rate of interest for

all loans made after December 31, 1982, by such intermediary

borrower with such moneys or such funds does not exceed the sum of

6 percent and the rate of interest payable under this subsection by

such intermediary borrower.

(b) Assignment of certain loan contracts

Any contract for a loan made during the period beginning on

December 31, 1982, and ending on September 30, 1986, with –

(1) moneys from the Rural Development Loan Fund established by

section 9812(c)(1) of this title; or

(2) funds available (before October 27, 1998) under section

9910(a) of this title (as in effect before October 27, 1998);

to an intermediary borrower that is a county government may be

assigned by such borrower to an entity to which such loan could

have been made for the purpose for which such contract was made.

Any entity to which such contract is so assigned shall be substituted as a party to such contract and shall be obligated to carry out such contract and the purpose for which such contract was made.

–SOURCE–

(Pub. L. 99–425, title IV, Sec. 407(a), (b), Sept. 30, 1986, 100 Stat. 971; Pub. L. 105–285, title II, Sec. 202(c), Oct. 27, 1998, 112 Stat. 2755.)

–REFTEXT–

REFERENCES IN TEXT

Section 9910 of this title, referred to in subsecs. (a) and (b)(2), was in the original a reference to section 681 of Pub. L. 97–35. Section 681 of Pub. L. 97–35 was omitted, and a new section 681 enacted, in the general amendment of chapter 106 of this title by Pub. L. 105–285, title II, Sec. 201, Oct. 27, 1998, 112 Stat. 2728. The new section 681 is classified to section 9922 of this title.

–COD–

CODIFICATION

Section was enacted as part of the Human Services Reauthorization Act of 1986, and not as part of the Community Economic Development Act of 1981 which comprises this subchapter.

–MISC1–

AMENDMENTS

1998 – Subsec. (a). Pub. L. 105–285, Sec. 202(c)(1), in

concluding provisions, inserted "(before October 27, 1998)" after "funds available" and "(as in effect before October 27, 1998)" after "9910(a) of this title".

Subsec. (b)(2). Pub. L. 105–285, Sec. 202(c)(2), inserted "(before October 27, 1998)" after "funds available" and "(as in effect before October 27, 1998)" after "9910(a) of this title".

EFFECTIVE DATE

Section effective Oct. 1, 1986, see section 1001 of Pub. L. 99–425, set out as an Effective Date of 1986 Amendment note under section 8621 of this title.

TRANSFER OF LOAN BY UTAH OR OHIO LOCAL PUBLIC BODY TO NONPROFIT CORPORATION

Pub. L. 99–500, Sec. 101(a) [title VI, Sec. 640], Oct. 18, 1986, 100 Stat. 1783, 1783–35, and Pub. L. 99–591, Sec. 101(a) [title VI, Sec. 640], Oct. 30, 1986, 100 Stat. 3341, 3341–35, purported to amend section 623B(b)(2) of the Community Economic Development Act of 1981, a nonexistent section of that Act (Pub. L. 99–35, title VI, Sec. 611 et seq.), by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, any Utah or Ohio local public body to which a loan was made after December 31, 1982, from the Rural Development Loan Fund may, at the discretion of such local public body and with the approval of the Secretary of Health and Human Services, transfer such loan to a nonprofit corporation designated by such body to serve as an intermediate borrower and to carry out the purposes of the loan."

–End–

–CITE–

42 USC Sec. 9813 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part C – Development Loans to Community Economic Development

Programs

–HEAD–

Sec. 9813. Model Community Economic Development Finance

Corporation; establishment; functions

–STATUTE–

To the extent he deems appropriate, the Secretary shall utilize funds available under this part to prepare a plan of action for the establishment of a Model Community Economic Development Finance Corporation to provide a user–controlled independent and professionally operated long–term financing vehicle with the principal purpose of providing financial support for community economic development corporations, cooperatives, other affiliated and supportive agencies and organizations associated with community economic development corporations, and other entities eligible for assistance under this subchapter.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 624, Aug. 13, 1981, 95 Stat. 495.)

–End–

–CITE–

42 USC Part D – Supportive Programs and Activities 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part D – Supportive Programs and Activities

–HEAD–

PART D – SUPPORTIVE PROGRAMS AND ACTIVITIES

–End–

–CITE–

42 USC Sec. 9814 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part D – Supportive Programs and Activities

–HEAD–

Sec. 9814. Training and technical assistance

–STATUTE–

(a) Grants, contracts, and other arrangements; preconditions

The Secretary shall provide, directly or through grants, contracts, or other arrangements, such technical assistance and training of personnel as may be required to effectively implement the purposes of this subchapter. No financial assistance shall be provided to any public or private organization under this section unless the Secretary provides the beneficiaries of these services

with opportunity to participate in the selection of and to review the quality and utility of the services furnished them by such organization.

(b) Technical assistance to community development corporations and urban and rural cooperatives

Technical assistance to community development corporations and both urban and rural cooperatives may include planning, management, legal assistance or support, preparation of feasibility studies, product development, marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this subchapter.

(c) Training for employees of community development corporations and employees and members of urban and rural cooperatives

Training for employees of community development corporations and for employees and members of urban and rural cooperatives shall include on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this subchapter.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 625, Aug. 13, 1981, 95 Stat. 496.)

–End–

–CITE–

42 USC Sec. 9815 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part D – Supportive Programs and Activities

–HEAD–

Sec. 9815. Small Business Administration and Department of Commerce

economic development programs; regulations

–STATUTE–

(a)(1) Funds granted under this subchapter which are invested directly or indirectly, in a small investment company, local development company, limited small business investment company, or small business investment company licensee under section 681(d) (!) of title 15 shall be included as "private paid-in capital and paid-in surplus", "combined paid-in capital and paid-in surplus", and "paid-in capital" for purposes of sections 682, 683, and 696, respectively, of title 15.

(2) Not later than 90 days after August 13, 1981, the Administrator of the Small Business Administration, after consultation with the Secretary, shall promulgate regulations to ensure the availability to community development corporations of such programs as shall further the purposes of this subchapter, including programs under section 637(a) of title 15.

(b)(1) Areas selected for assistance under this subchapter shall be deemed "redevelopment areas" within the meaning of section 401 of the Public (!) Works and Economic Development Act of 1965,(!)

shall qualify for assistance under the provisions of title I and title II of such Act, and shall be deemed to have met the overall economic development program requirements of section 202(b)(10) of such Act.

(2) Not later than 90 days after August 13, 1981, the Secretary of Commerce shall prescribe regulations which will ensure that community development corporations and cooperatives shall qualify for assistance and shall be eligible to receive such assistance under all such programs of the Economic Development Administration as shall further the purposes of this subchapter.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 626, Aug. 13, 1981, 95 Stat. 496.)

–REFTEXT–

REFERENCES IN TEXT

Section 681(d) of title 15, referred to in subsec. (a)(1), was repealed by Pub. L. 104–208, div. D, title II, Sec. 208(b)(3)(A), Sept. 30, 1996, 110 Stat. 3009–742.

The Public Works and Economic Development Act of 1965, referred to in subsec. (b)(1), is Pub. L. 89–136, Aug. 26, 1965, 79 Stat. 552, as amended. Titles I to VI of the Act of 1965 were repealed and new titles I to VI were enacted by Pub. L. 105–393, title I, Sec. 102(a), Nov. 13, 1998, 112 Stat. 3597. As so enacted, section 401 of the Act no longer defines "redevelopment areas" and section 202 of the Act no longer contains a subsec. (b). For complete classification of this Act to the Code, see Short Title note set out under section 3121 of this title and Tables.

–FOOTNOTE–

(1) See References in Text note below.

(12) So in original. Probably should be "Public".

–End–

–CITE–

42 USC Sec. 9816 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part D – Supportive Programs and Activities

–HEAD–

Sec. 9816. Department of Housing and Urban Development programs

–STATUTE–

The Secretary of Housing and Urban Development, after consultation with the Secretary, shall take all necessary steps to assist community development corporations and local cooperative associations to qualify for and receive (1) such assistance in connection with technical assistance, counseling to tenants and homeowners, and loans to sponsors of low-income and moderate-income housing under section 106 of the Housing and Urban Development Act of 1968 [12 U.S.C. 1701x], as amended by section 811 of the Housing and Community Development Act of 1974; (2) such land for housing and business location and expansion under title I of the Housing and Community Development Act of 1974 [42 U.S.C. 5301 et seq.]; and (3) such funds for comprehensive planning under section 701 of the

Housing Act of 1954,(1) as amended by section 401 of the Housing and Community Development Act of 1974, as shall further the purposes of this subchapter.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 627, Aug. 13, 1981, 95 Stat. 497.)

–REFTEXT–

REFERENCES IN TEXT

Section 811 of the Housing and Community Development Act of 1974, referred to in text, is section 811 of Pub. L. 93–383, title VIII, Aug. 22, 1974, 88 Stat. 735, which amended section 1701x of Title 12, Banks and Banking.

The Housing and Community Development Act of 1974, referred to in text, is Pub. L. 93–383, Aug. 22, 1974, 88 Stat. 633, as amended.

Title I of the Housing and Community Development Act of 1974 is classified principally to chapter 69 (Sec. 5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

Section 701 of the Housing Act of 1954, referred to in text, is section 701 of act Aug. 2, 1954, ch. 649, 68 Stat. 640, as amended, which was classified to section 461 of former Title 40, Public Buildings, Property, and Works, and was repealed by Pub. L. 97–35, title III, 313(b), Aug. 13, 1981, 95 Stat. 398.

Section 401 of the Housing and Community Development Act of 1974, referred to in text, is section 401 of Pub. L. 93–383, title IV, Aug. 22, 1974, 88 Stat. 686, subsecs. (a) and (b) of which amended

section 461 of former Title 40, Public Buildings, Property, and Works, prior to its repeal by Pub. L. 97–35, and subsec. (c) of which amended section 460 of former Title 40.

–MISC1–

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

Pub. L. 103–120, Sec. 4, Oct. 27, 1993, 107 Stat. 1148, as amended by Pub. L. 105–18, title II, Sec. 10004, June 12, 1997, 111 Stat. 201, provided that:

"(a) In General. – The Secretary is authorized to provide assistance through the National Community Development Initiative, Local Initiatives Support Corporation, The Enterprise Foundation, Habitat for Humanity, and Youthbuild USA to develop the capacity and ability of community development corporations and community housing development organizations to undertake community development and affordable housing projects and programs.

"(b) Form of Assistance. – Assistance under this section may be used for –

"(1) training, education, support, and advice to enhance the technical and administrative capabilities of community development corporations and community housing development organizations;

"(2) loans, grants, or predevelopment assistance to community development corporations and community housing development organizations to carry out community development and affordable housing activities that benefit low–income families; and

"(3) such other activities as may be determined by the National

Community Development Initiative, Local Initiatives Support Corporation, The Enterprise Foundation, Habitat for Humanity, and Youthbuild USA in consultation with the Secretary.

"(c) Matching Requirement. – Assistance provided under this section shall be matched from private sources in an amount equal to 3 times the amount made available under this section.

"(d) Implementation. – The Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this section. The notice shall take effect upon issuance.

"(e) Authorization. – There are authorized to be appropriated \$25,000,000 for fiscal year 1994 to carry out this section."

–FOOTNOTE–

(1) See References in Text note below.

–End–

–CITE–

42 USC Sec. 9817 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part D – Supportive Programs and Activities

–HEAD–

Sec. 9817. Department of Agriculture; Rural Development

Administration programs

–STATUTE–

The Secretary of Agriculture or, where appropriate, the

Administrator of the Farmers Home Administration, or of the Rural Development Administration, after consultation with the Secretary of Health and Human Services, shall take all necessary steps to ensure that community development corporations and local cooperative associations shall qualify for and shall receive –

(1) such assistance in connection with housing development under the Housing Act of 1949, as amended [42 U.S.C. 1441 et seq.];

(2) such assistance in connection with housing, business, industrial, and community development under the Consolidated Farmers Home Administration Act of 1961 [7 U.S.C. 1921 et seq.] and the Rural Development Act of 1972; and

(3) such further assistance under all such programs of the United States Department of Agriculture; as shall further the purposes of this subchapter.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 628, Aug. 13, 1981, 95 Stat. 497; Pub. L. 101–624, title XXIII, Sec. 2303(f)(2), Nov. 28, 1990, 104 Stat. 3981.)

–REFTEXT–

REFERENCES IN TEXT

The Housing Act of 1949, referred to in par. (1), is act July 15, 1949, ch. 338, 63 Stat. 413, as amended, which is classified principally to chapter 8A (Sec. 1441 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of this title and Tables.

The Consolidated Farmers Home Administration Act of 1961, referred to in par. (2), is title III of Pub. L. 87–128, Aug. 8, 1961, 75 Stat. 307, as amended, which was redesignated the Consolidated Farm and Rural Development Act by Pub. L. 92–419, Sec. 101, Aug. 30, 1972, 86 Stat. 657, and is classified principally to chapter 50 (Sec. 1921 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1921 of Title 7 and Tables.

The Rural Development Act of 1972, referred to in par. (2), is Pub. L. 92–419, Aug. 30, 1972, 86 Stat. 657, as amended. For complete classification of this Act to the Code, see Short Title of 1972 Amendment note set out under section 1921 of Title 7.

–MISC1–

AMENDMENTS

1990 – Pub. L. 101–624 substituted "Department of Agriculture; Rural Development Administration programs" for "Department of Agriculture and Farmers Home Administration programs" in section catchline and inserted ", or of the Rural Development Administration" after "of the Farmers Home Administration" in text.

–End–

–CITE–

42 USC Sec. 9818 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part D – Supportive Programs and Activities

–HEAD–

Sec. 9818. Coordination and eligibility

–STATUTE–

(a) The Secretary shall take all necessary and appropriate steps to encourage Federal departments and agencies and State and local governments to make grants, provide technical assistance, enter into contracts, and generally support and cooperate with community development corporations and local cooperative associations.

(b) Eligibility for assistance under other Federal programs shall not be denied to any applicant on the ground that it is a community development corporation or any other entity assisted under this subchapter.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 629, Aug. 13, 1981, 95 Stat. 497.)

–End–

–CITE–

42 USC Sec. 9819 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part D – Supportive Programs and Activities

–HEAD–

Sec. 9819. Evaluation of programs; implementation and funding, etc.; research and demonstration projects; implementation and

purposes

–STATUTE–

(a) Each program for which grants are made under this subchapter shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes, which evaluation shall be conducted by such public or private organizations as the Secretary in consultation with existing grantees familiar with programs carried out under the Community Services Block Grant Act [42 U.S.C. 9901 et seq.] may designate, and all or part of the costs of evaluation may be paid from funds appropriated to carry out this part. In evaluating the performance of any community development corporation funded under part A of this subchapter, the criteria for evaluation shall be based upon such program objectives, goals, and priorities as are consistent with the purposes of this subchapter and were set forth by such community development corporation in its proposal for funding as approved and agreed upon by or as subsequently modified from time to time by mutual agreement between the Secretary and such community development corporation.

(b) The Secretary shall conduct, either directly or through grants or other arrangements, research and demonstration projects designed to suggest new programs and policies to achieve the purposes of this subchapter in such ways as to provide opportunities for employment, ownership, and a better quality of life for low-income residents.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 630, Aug. 13, 1981, 95 Stat. 497.)

–REFTEXT–

REFERENCES IN TEXT

The Community Services Block Grant Act, referred to in subsec. (a), is subtitle B (Sec. 671 et seq.) of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 511, as amended, which is classified generally to chapter 106 (Sec. 9901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9901 of this title and Tables.

–End–

–CITE–

42 USC Sec. 9820 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part D – Supportive Programs and Activities

–HEAD–

Sec. 9820. Grants to plan economic development and cooperative programs

–STATUTE–

In order to facilitate the purposes of this subchapter, the Secretary is authorized to provide financial assistance to any public or private nonprofit agency or organization for planning of community economic development programs and cooperative programs under this subchapter.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 631, Aug. 13, 1981, 95 Stat. 498.)

–End–

–CITE–

42 USC Sec. 9821 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part D – Supportive Programs and Activities

–HEAD–

Sec. 9821. Nondiscrimination provisions

–STATUTE–

(a) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this subchapter. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 2000d–1 of this

title. Section 2000d-2 of this title shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program, project, or activity receiving assistance under this subchapter.

–SOURCE–

(Pub. L. 97-35, title VI, Sec. 632, Aug. 13, 1981, 95 Stat. 498.)

–End–

–CITE–

42 USC Sec. 9822 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER I – COMMUNITY ECONOMIC DEVELOPMENT

Part D – Supportive Programs and Activities

–HEAD–

Sec. 9822. Availability of certain appropriated funds

–STATUTE–

Funds appropriated to the Rural Development Loan Fund under title VII of the Economic Opportunity Act of 1964 [42 U.S.C. 2981 et seq.] (as in effect on August 12, 1981), and interest accumulated in such fund, shall be deposited in the Rural Development Loan Fund established under section 9812(c)(1) of this title and shall

continue to be available to carry out the purposes of such fund.

Funds appropriated to the Community Development Credit Union Revolving Loan Fund under title VII of the Economic Opportunity Act of 1964 (as in effect on August 12, 1981), and interest accumulated in such fund, shall continue to be available to carry out the purposes of such fund.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 633, Aug. 13, 1981, 95 Stat. 498.)

–REFTEXT–

REFERENCES IN TEXT

The Economic Opportunity Act of 1964, referred to in text, is Pub. L. 88–452, Aug. 20, 1964, 78 Stat. 508, as amended. Title VII of the Economic Opportunity Act of 1964 was classified generally to subchapter VII (Sec. 2981 et seq.) of chapter 34 of this title, prior to repeal by Pub. L. 97–35, title VI, Sec. 683(a), Aug. 13, 1981, 95 Stat. 519. For complete classification of this Act to the Code, see Tables.

–COD–

CODIFICATION

"August 12, 1981" substituted in text for "the day before the date of the enactment of this Act".

–MISC1–

TRANSFER OF COMMUNITY DEVELOPMENT CREDIT UNION REVOLVING LOAN FUND

Pub. L. 99–609, Nov. 6, 1986, 100 Stat. 3475, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Community Development Credit Union

Revolving Loan Fund Transfer Act'.

"SEC. 2. TRANSFER OF COMMUNITY DEVELOPMENT CREDIT UNION REVOLVING LOAN FUND.

"(a) Administration of Fund by NCUA. –

"(1) In general. – Beginning on the date of the enactment of this Act [Nov. 6, 1986], the National Credit Union Administration Board shall administer the Community Development Credit Union Revolving Loan Fund.

"(2) Transfer of authority. – All authority to carry out the purposes of the Fund and to prescribe regulations in connection with the administration of the Fund which, on the day before the date of the enactment of this Act, was vested in the Secretary of Health and Human Services shall vest on such date in the Board. Except as provided in subsection (c), the Secretary shall have no further responsibility with respect to the Fund.

"(b) Continued Availability of Appropriated Funds. – All funds appropriated to the Fund and interest accumulated in the Fund which continue to be available under section 633 of the Omnibus Budget Reconciliation Act of 1981 [42 U.S.C. 9822] shall continue to be available to the Board to carry out the purposes of the Fund.

"(c) Transfer of Assets; Etc. – The Secretary shall transfer to the National Credit Union Administration all assets, liabilities, grants, contracts, property, records, and funds held, used, arising from, or available to the Secretary in connection with the administration of the Fund before the end of the 60–day period beginning on the date of the enactment of this Act [Nov. 6, 1986].

"(d) Savings Provisions. –

"(1) Regulations. – Any regulations prescribed by the Secretary in connection with the administration of the Fund shall continue in effect until superseded by regulations prescribed by the Board.

"(2) Existing rights, duties, and obligations not affected. – Subsection (a) shall not be construed as affecting the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the date of the enactment of this Act [Nov. 6, 1986].

"(3) Continuation of suits. – No action or other proceeding commenced by or against the Secretary in connection with the administration of the Fund shall abate by reason of the enactment of this Act, except that the Board shall be substituted for the Secretary as a party to any such action or proceeding.

"(e) Definitions. – For purposes of this section –

"(1) Board. – The term 'Board' means the National Credit Union Administration Board.

"(2) Fund. – The term 'Fund' means the Community Development Credit Union Revolving Loan Fund established under title VII of the Economic Opportunity Act of 1964 [see References in Text note above] (as in effect before the date of the enactment of the Omnibus Budget Reconciliation Act of 1981 [Aug. 13, 1981]).

"(3) Secretary. – The term 'Secretary' means the Secretary of Health and Human Services."

–End–

–CITE–

42 USC SUBCHAPTER II – HEAD START PROGRAMS 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

SUBCHAPTER II – HEAD START PROGRAMS

–COD–

CODIFICATION

Subchapter is based on subchapter B of chapter 8 of subtitle A of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 499, as amended.

–SECREf–

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 247b–16, 280g, 290bb–23, 290bb–25, 1396r–1a, 1758, 1766, 4953, 5011, 12653, 12653c of this title; title 8 section 1613; title 20 sections 1087ee, 6311, 6322, 6367, 6376, 6381a, 6775, 7544, 9252, 9501; title 31 section 6703.

–End–

–CITE–

42 USC Sec. 9831 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

Sec. 9831. Statement of purpose

–STATUTE–

It is the purpose of this subchapter to promote school readiness by enhancing the social and cognitive development of low-income children through the provision, to low-income children and their families, of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 636, Aug. 13, 1981, 95 Stat. 499;
Pub. L. 101–501, title I, Sec. 102, Nov. 3, 1990, 104 Stat. 1224;
Pub. L. 105–285, title I, Sec. 102, Oct. 27, 1998, 112 Stat. 2703.)

–MISC1–

AMENDMENTS

1998 – Pub. L. 105–285 amended section catchline and text generally. Prior to amendment, text read as follows:

"(a) In recognition of the role which Project Head Start has played in the effective delivery of comprehensive health, educational, nutritional, social, and other services to economically disadvantaged children and their families, it is the purpose of this subchapter to extend the authority for the appropriation of funds for such program.

"(b) In carrying out the provisions of this subchapter, the Secretary of Health and Human Services shall continue the

administrative arrangement responsible for meeting the needs of migrant, non-English language background, and Indian children and shall assure that appropriate funding is provided to meet such needs."

1990 – Subsec. (b). Pub. L. 101–501 inserted ", non-English language background," after "migrant".

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101–501, set out as a note under section 8621 of this title.

SHORT TITLE

For short title of this subchapter as the "Head Start Act", see section 635 of Pub. L. 97–35, set out as a note under section 9801 of this title.

–End–

–CITE–

42 USC Sec. 9832 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

Sec. 9832. Definitions

–STATUTE–

For purposes of this subchapter:

(1) The term "child with a disability" means –

(A) a child with a disability, as defined in section 1401(3)

of title 20; and

(B) an infant or toddler with a disability, as defined in section 1432(5) of title 20.

(2) The term "delegate agency" means a public, private nonprofit, or for-profit organization or agency to which a grantee has delegated all or part of the responsibility of the grantee for operating a Head Start program.

(3) The term "family literacy services" means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

(A) Interactive literacy activities between parents and their children.

(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

(C) Parent literacy training that leads to economic self-sufficiency.

(D) An age-appropriate education to prepare children for success in school and life experiences.

(4) The term "financial assistance" includes assistance provided by grant, agreement, or contract, and payments may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

- (5) The term "full calendar year" means all days of the year other than Saturday, Sunday, and a legal public holiday.
- (6) The term "full-working-day" means not less than 10 hours per day. Nothing in this paragraph shall be construed to require an agency to provide services to a child who has not reached the age of compulsory school attendance for more than the number of hours per day permitted by State law (including regulation) for the provision of services to such a child.
- (7) The term "Head Start classroom" means a group of children supervised and taught by two paid staff members (a teacher and a teacher's aide or two teachers) and, where possible, a volunteer.
- (8) The term "Head Start family day care" means Head Start services provided in a private residence other than the residence of the child receiving such services.
- (9) The term "home-based Head Start program" means a Head Start program that provides Head Start services in the private residence of the child receiving such services.
- (10) The term "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Native village described in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)) or established pursuant to such Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- (11) The term "local educational agency" has the meaning given

such term in the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.].

(12) The term "migrant and seasonal Head Start program" means –

(A) with respect to services for migrant farmworkers, a Head Start program that serves families who are engaged in agricultural labor and who have changed their residence from one geographic location to another in the preceding 2–year period; and

(B) with respect to services for seasonal farmworkers, a Head Start program that serves families who are engaged primarily in seasonal agricultural labor and who have not changed their residence to another geographic location in the preceding 2–year period.

(13) The term "mobile Head Start program" means the provision of Head Start services utilizing transportable equipment set up in various community–based locations on a routine, weekly schedule, operating in conjunction with home–based Head Start programs, or as a Head Start classroom.

(14) The term "poverty line" means the official poverty line (as defined by the Office of Management and Budget) –

(A) adjusted to reflect the percentage change in the Consumer Price Index For (11) All Urban Consumers, issued by the Bureau of Labor Statistics, occurring in the 1–year period or other interval immediately preceding the date such adjustment is made; and

(B) adjusted for family size.

(15) The term "scientifically based reading research" –

(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

(B) shall include research that –

(i) employs systematic, empirical methods that draw on observation or experiment;

(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

(16) The term "Secretary" means the Secretary of Health and Human Services.

(17) The term "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001 (and fiscal year 2002, if the legislation described in section 9835(a)(2)(B)(iii) of this title has not been enacted before September 30, 2001), also means the Federated

States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 637, Aug. 13, 1981, 95 Stat. 499; Pub. L. 98–558, title I, Sec. 101, Oct. 30, 1984, 98 Stat. 2878; Pub. L. 101–501, title I, Secs. 104(b), 116(b), 117(b), 121(b), 123(a), Nov. 3, 1990, 104 Stat. 1228, 1232, 1233, 1237; Pub. L. 103–252, title I, Sec. 102, May 18, 1994, 108 Stat. 624; Pub. L. 105–285, title I, Sec. 103, Oct. 27, 1998, 112 Stat. 2703.)

–REFTEXT–

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (10), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (Sec. 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Elementary and Secondary Education Act of 1965, referred to in par. (11), is Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, as amended, which is classified generally to chapter 70 (Sec. 6301 et seq.) 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.

–MISC1–

AMENDMENTS

1998 – Pars. (1), (2). Pub. L. 105–285, Sec. 103(2), added pars.

(1) and (2). Former pars. (1) and (2) redesignated (16) and (17), respectively.

Pars. (3), (4). Pub. L. 105–285, Sec. 103(3)–(5), added par. (3), redesignated former par. (3) as (4), and struck out former par. (4) which read as follows: "The term 'family literacy services' means services and activities that include interactive literacy activities between parents and their children, training for parents on techniques for being the primary teacher of their children and full partners in the education of their children, parent literacy training (including training in English as a second language), and early childhood education."

Par. (6). Pub. L. 105–285, Sec. 103(6), inserted at end "Nothing in this paragraph shall be construed to require an agency to provide services to a child who has not reached the age of compulsory school attendance for more than the number of hours per day permitted by State law (including regulation) for the provision of services to such a child."

Par. (12). Pub. L. 105–285, Sec. 103(7), added par. (12) and struck out former par. (12) which read as follows: "The term 'migrant Head Start program' means a Head Start program that serves families who are engaged in agricultural work and who have changed their residence from one geographical location to another in the preceding 2–year period."

Par. (15). Pub. L. 105–285, Sec. 103(8), added par. (15).

Par. (16). Pub. L. 105–285, Sec. 103(1), redesignated par. (1) as (16) and transferred it to appear after par. (15).

Par. (17). Pub. L. 105–285, Sec. 103(9)(B), (C), substituted "Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001 (and fiscal year 2002, if the legislation described in section 9835(a)(2)(B)(iii) of this title has not been enacted before September 30, 2001), also means" for "Virgin Islands," and "and the Republic of Palau" for "Palau, and the Commonwealth of the Northern Mariana Islands".

Pub. L. 105–285, Sec. 103(9)(A), which directed substitution of "term" for "Term", could not be executed because "Term" does not appear in par. (17).

Pub. L. 105–285, Sec. 103(1), redesignated par. (2) as (17) and transferred it to appear after par. (16).

1994 – Par. (4). Pub. L. 103–252, Sec. 102(1), (4), (5)(A), redesignated par. (12) as (4) and struck out former par. (4) which defined "adjusted appropriation".

Par. (5). Pub. L. 103–252, Sec. 102(1), (4), (5)(B), redesignated par. (10) as (5) and struck out former par. (5) which defined "quality improvement funds".

Par. (6). Pub. L. 103–252, Sec. 102(4), (5)(B), redesignated par. (11) as (6). Former par. (6) redesignated (7).

Pars. (7), (8). Pub. L. 103–252, Sec. 102(4), redesignated pars. (6) and (7) as (7) and (8), respectively. Former par. (8) redesignated (9).

Par. (9). Pub. L. 103–252, Sec. 102(4), redesignated par. (8) as (9). Former par. (9) redesignated (14).

Pub. L. 103–252, Sec. 102(2), added par. (9) and struck out former par. (9) which defined "poverty line".

Par. (10). Pub. L. 103–252, Sec. 102(4), (5)(C), redesignated par. (13) as (10). Former par. (10) redesignated (5).

Par. (11). Pub. L. 103–252, Sec. 102(5)(D), added par. (11). Former par. (11) redesignated (6).

Par. (12). Pub. L. 103–252, Sec. 102(5)(D), added par. (12). Former par. (12) redesignated (4).

Pub. L. 103–252, Sec. 102(3), (4), added par. (12) and redesignated it as (4).

Par. (13). Pub. L. 103–252, Sec. 102(5)(D), added par. (13). Former par. (13) redesignated (10).

Pub. L. 103–252, Sec. 102(3), (4), added par. (13) and redesignated it as (10).

Par. (14). Pub. L. 103–252, Sec. 102(4), redesignated par. (9) as (14).

1990 – Par. (2). Pub. L. 101–501, Sec. 104(b)(1), substituted "the Federated States of Micronesia, the Republic of the Marshall Islands, Palau" for "the Trust Territory of the Pacific Islands".

Pars. (4), (5). Pub. L. 101–501, Sec. 104(b)(2), added pars. (4) and (5).

Par. (6). Pub. L. 101–501, Sec. 116(b), added par. (6).

Pars. (7), (8). Pub. L. 101–501, Sec. 117(b), added pars. (7) and (8).

Par. (9). Pub. L. 101–501, Sec. 121(b), added par. (9).

Pars. (10), (11). Pub. L. 101–501, Sec. 123(a), added pars. (10)

and (11).

1984 – Par. (2). Pub. L. 98–558 inserted "the Commonwealth of" before "the Northern Mariana Islands".

EFFECTIVE DATE OF 1994 AMENDMENT

Section 127 of title I of Pub. L. 103–252 provided that:

"(a) Effective Date. – This title [see Short Title of 1994 Amendment note set out under section 9801 of this title], and the amendments made by this title, shall take effect on the date of enactment of this title [May 18, 1994].

"(b) Application. – The requirements of this title and the amendments made by this title shall not apply to Head Start agencies and other recipients of financial assistance under the Head Start Act [42 U.S.C. 9831 et seq.] until October 1, 1994."

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101–501, set out as a note under section 8621 of this title.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9902 of this title.

–FOOTNOTE–

(!1) So in original. Probably should not be capitalized.

–End–

–CITE–

42 USC Sec. 9833 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

Sec. 9833. Financial assistance for Head Start programs

–STATUTE–

The Secretary may, upon application by an agency which is eligible for designation as a Head Start agency pursuant to section 9836 of this title, provide financial assistance to such agency for the planning, conduct, administration, and evaluation of a Head Start program focused primarily upon children from low-income families who have not reached the age of compulsory school attendance which (1) will provide such comprehensive health, education, parental involvement, nutritional, social, and other services as will enable the children to attain their full potential and attain school readiness; and (2) will provide for direct participation of the parents of such children in the development, conduct, and overall program direction at the local level.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 638, Aug. 13, 1981, 95 Stat. 499; Pub. L. 100–297, title II, Sec. 2504, Apr. 28, 1988, 102 Stat. 330; Pub. L. 103–252, title I, Secs. 103, 112(c), May 18, 1994, 108 Stat. 625, 641; Pub. L. 105–285, title I, Sec. 104, Oct. 27, 1998, 112 Stat. 2705.)

–MISC1–

AMENDMENTS

1998 – Cl. (1). Pub. L. 105–285 substituted "enable the children" for "aid the children" and inserted "and attain school readiness" before the semicolon.

1994 – Pub. L. 103–252 struck out subsec. (a) designation, in cl. (1), substituted "health, education, parental involvement, nutritional, social, and other services" for "health, nutritional, educational, social, and other services", and struck out subsec. (b) which read as follows: "For purposes of providing financial assistance under subsection (a) of this section to agencies, the Secretary may not take into consideration whether such agency applies for or receives funds under subchapter V of this chapter."

1988 – Pub. L. 100–297 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–252 effective May 18, 1994, but not applicable to Head Start agencies and other recipients of financial assistance under the Head Start Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103–252, set out as a note under section 9832 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

For effective date and applicability of amendment by Pub. L. 100–297, see section 6303 of Pub. L. 100–297, set out as a note under section 1071 of Title 20, Education.

–End–

–CITE–

42 USC Sec. 9834 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

Sec. 9834. Authorization of appropriations

–STATUTE–

(a) There are authorized to be appropriated for carrying out the provisions of this subchapter such sums as may be necessary for fiscal years 1999 through 2003.

(b) From the amount appropriated under subsection (a) of this section, the Secretary shall make available –

(1) for each of fiscal years 1999 through 2003 to carry out activities authorized under section 9837a of this title, not more than \$35,000,000 but not less than the amount that was made available for such activities for fiscal year 1998;

(2) not more than \$5,000,000 for each of fiscal years 1999 through 2003 to carry out impact studies under section 9844(g) of this title; and

(3) not more than \$12,000,000 for fiscal year 1999, and such sums as may be necessary for each of fiscal years 2000 through 2003, to carry out other research, demonstration, and evaluation activities, including longitudinal studies, under section 9844 of this title.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 639, Aug. 13, 1981, 95 Stat. 499;

Pub. L. 98–558, title I, Sec. 102, Oct. 30, 1984, 98 Stat. 2878;
Pub. L. 99–425, title I, Sec. 101, Sept. 30, 1986, 100 Stat. 966;
Pub. L. 101–120, Sec. 2, Oct. 23, 1989, 103 Stat. 700; Pub. L.
101–501, title I, Secs. 103, 120(b), 140, Nov. 3, 1990, 104 Stat.
1224, 1236, 1242; Pub. L. 103–252, title I, Sec. 104, May 18, 1994,
108 Stat. 625; Pub. L. 105–285, title I, Sec. 105, Oct. 27, 1998,
112 Stat. 2705.)

–MISC1–

AMENDMENTS

1998 – Subsec. (a). Pub. L. 105–285, Sec. 105(1), substituted
"1999 through 2003" for "1995 through 1998".

Subsec. (b)(1) to (3). Pub. L. 105–285, Sec. 105(2), added pars.
(1) to (3) and struck out former pars. (1) and (2) which read as
follows:

"(1) \$35,000,000 for each of the fiscal years 1995 through 1998
to –

"(A) carry out the Head Start Transition Project Act; and

"(B) carry out activities authorized under section 9837(d) of
this title; and

"(2) not more than \$3,000,000 for fiscal year 1995, and such sums
as may be necessary for each of the fiscal years 1996 through 1998,
to carry out longitudinal research under section 9844(e) of this
title."

1994 – Subsec. (a). Pub. L. 103–252, Sec. 104(1), substituted
"such sums as may be necessary for fiscal years 1995 through 1998"
for "(other than section 9846a of this title) \$1,552,000,000 for

fiscal year 1990, \$2,386,000,000 for fiscal year 1991, \$4,273,000,000 for fiscal year 1992, \$5,924,000,000 for fiscal year 1993, and \$7,660,000,000 for fiscal year 1994".

Subsecs. (b), (c). Pub. L. 103–252, Sec. 104(2), added subsec.

(b) and struck out former subsecs. (b) and (c) which read as follows:

"(b) There are authorized to be appropriated to carry out section 9846a of this title, such sums as may be necessary for fiscal years 1991 through 1996.

"(c)(1) If the amount appropriated under subsection (a) of this section for fiscal year 1991 exceeds the adjusted appropriation, the Secretary shall make available not less than \$20,000,000 to carry out the Head Start Transition Project Act.

"(2) The Secretary shall make available not less than \$20,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the Head Start Transition Project Act."

1990 – Pub. L. 101–501, Sec. 140, added subsec. (c).

Pub. L. 101–501, Sec. 120(b), designated existing provisions as subsec. (a), inserted "(other than section 9846a of this title)" after "of this subchapter", and added subsec. (b).

Pub. L. 101–501, Sec. 103, struck out "\$1,198,000,000 for fiscal year 1987, \$1,263,000,000 for fiscal year 1988, \$1,332,000,000 for fiscal year 1989, and" after "of this subchapter" and inserted ", \$2,386,000,000 for fiscal year 1991, \$4,273,000,000 for fiscal year 1992, \$5,924,000,000 for fiscal year 1993, and \$7,660,000,000 for fiscal year 1994" after "1990".

1989 – Pub. L. 101–120 substituted "\$1,552,000,000" for "\$1,405,000,000".

1986 – Pub. L. 99–425 amended section generally, substituting "\$1,198,000,000 for fiscal year 1987, \$1,263,000,000 for fiscal year 1988, \$1,332,000,000 for fiscal year 1989, and \$1,405,000,000 for fiscal year 1990" for "\$1,093,030,000 for fiscal year 1985, and \$1,221,000,000 for fiscal year 1986".

1984 – Pub. L. 98–558 substituted "\$1,093,030,000 for fiscal year 1985, and \$1,221,000,000 for fiscal year 1986" for "\$950,000,000 for fiscal year 1982, \$1,007,000,000 for fiscal year 1983, and \$1,058,357,000 for fiscal year 1984".

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–252 effective May 18, 1994, but not applicable to Head Start agencies and other recipients of financial assistance under the Head Start Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103–252, set out as a note under section 9832 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101–501, set out as a note under section 8621 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–425 effective Oct. 1, 1986, see section 1001 of Pub. L. 99–425, set out as a note under section 8621 of this title.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9835 of this title.

–End–

–CITE–

42 USC Sec. 9835 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

Sec. 9835. Allotment of funds

–STATUTE–

(a) Distribution of appropriations; priorities, etc.

(1) Of the sums appropriated pursuant to section 9834 of this title for any fiscal year beginning after September 30, 1981, the Secretary shall allot such sums in accordance with paragraphs (2) through (4), and subject to paragraphs (5) and (6).

(2) The Secretary shall reserve 13 percent of the amount appropriated for each fiscal year for use in accordance with the following order of priorities –

(A) Indian Head Start programs, services for children with disabilities, and migrant and seasonal Head Start programs, except that there shall be made available for each fiscal year for use by Indian Head Start programs and by migrant and seasonal Head Start programs, on a nationwide basis, not less than the amount that was obligated for use by Indian Head Start programs

and by migrant and seasonal Head Start programs for fiscal year 1998;

(B) payments, subject to paragraph (7) –

(i) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States;

(ii) for fiscal years ending before October 1, 2001, to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau; and

(iii) if legislation approving renegotiated Compacts of Free Association for the jurisdictions described in clause (ii) has not been enacted before September 30, 2001, for fiscal year 2002 to those jurisdictions;

according to their respective needs, except that such amount shall not exceed one-half of 1 percent of the sums appropriated for any fiscal year;

(C) training and technical assistance activities which are sufficient to meet the needs associated with program expansion and to foster program and management improvement activities as described in section 9843 of this title, in an amount for each fiscal year which is not less than 2 percent of the amount appropriated for such fiscal year, of which not less than \$3,000,000 of the amount appropriated for such fiscal year shall be made available to carry out activities described in section 9843(c)(4) of this title;

(D) discretionary payments made by the Secretary (including payments for all costs (other than compensation of Federal

employees) of reviews of Head Start agencies and programs under section 9836a(c) of this title, and of activities carried out under paragraph (1), (2), or (3) of section 9836a(d) of this title related to correcting deficiencies and conducting proceedings to terminate the designation of Head Start agencies;

(1) and

(E) payments for research, demonstration, and evaluation activities under section 9844 of this title.

No funds reserved under this paragraph or paragraph (3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this subchapter. No Freely Associated State may receive financial assistance under this subchapter after fiscal year 2002.

(3)(A)(i) In order to provide assistance for activities specified in subparagraph (C) directed at the goals specified in subparagraph (B), the Secretary shall reserve, from the amount (if any) by which the funds appropriated under section 9834(a) of this title for a fiscal year exceed the adjusted prior year appropriation, a share equal to the sum of –

(I) 60 percent of such excess amount for fiscal year 1999, 50 percent of such excess amount for fiscal year 2000, 47.5 percent of such excess amount for fiscal year 2001, 35 percent of such excess amount for fiscal year 2002, and 25 percent of such excess

amount for fiscal year 2003; and

(II) any additional amount the Secretary may find necessary to address a demonstrated need for such activities.

(ii) As used in clause (i), the term "adjusted prior year appropriation" means, with respect to a fiscal year, the amount appropriated pursuant to section 9834(a) of this title for the preceding fiscal year, adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) during such preceding fiscal year.

(B) Funds reserved under this paragraph (referred to in this paragraph as "quality improvement funds") shall be used to accomplish any or all of the following goals:

(i) Ensuring that Head Start programs meet or exceed performance standards pursuant to section 9836a(a)(1)(A) of this title.

(ii) Ensuring that such programs have adequate numbers of qualified staff, and that such staff are furnished adequate training, including developing skills in working with children with non-English language background and children with disabilities, when appropriate.

(iii) Ensuring that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

(iv) Using salary increases to improve staff qualifications, and to assist with the implementation of career development programs, for the staff of Head Start programs, and to encourage the staff to continually improve their skills and expertise by

informing the staff of the availability of Federal and State incentive and loan forgiveness programs for professional development.

(v) Improving community-wide strategic planning and needs assessments for such programs and collaboration efforts for such programs.

(vi) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and their parents.

(vii) Ensuring that such programs have qualified staff that can promote language skills and literacy growth of children and that can provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.

(viii) Making such other improvements in the quality of such programs as the Secretary may designate.

(C) Quality improvement funds shall be used to carry out any or all of the following activities:

(i)(I) Not less than one-half of the amount reserved under this paragraph, to improve the compensation (including benefits) of classroom teachers and other staff of Head Start agencies and thereby enhance recruitment and retention of qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 9843a(a) of this title. The expenditure of funds under this clause shall be subject to

section 9848 of this title. Preferences in awarding salary increases, in excess of cost-of-living allowances, with such funds shall be granted to classroom teachers and staff who obtain additional training or education related to their responsibilities as employees of a Head Start program.

(II) If a Head Start agency certifies to the Secretary for such fiscal year that part of the funds set aside under subclause (I) to improve wages cannot be expended by such agency to improve wages because of the operation of section 9848 of this title, then such agency may expend such part for any of the uses specified in this subparagraph (other than wages).

(III) From the remainder of the amount reserved under this paragraph (after the Secretary carries out subclause (I)), the Secretary shall carry out any or all of the activities described in clauses (ii) through (vii), placing the highest priority on the activities described in clause (ii).

(ii) To train classroom teachers and other staff to meet the education performance standards described in section 9836a(a)(1)(B) of this title, through activities –

(I) to promote children's language and literacy growth, through techniques identified through scientifically based reading research;

(II) to promote the acquisition of the English language for non-English background children and families;

(III) to foster children's school readiness skills through activities described in section 9843a(a)(1) of this title; and

(IV) to provide training necessary to improve the qualifications of the staff of the Head Start agencies and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

(iii) To employ additional Head Start staff, including staff necessary to reduce the child–staff ratio and staff necessary to coordinate a Head Start program with other services available to children participating in such program and to their families.

(iv) To pay costs incurred by Head Start agencies to purchase insurance (other than employee benefits) and thereby maintain or expand Head Start services.

(v) To supplement amounts provided under paragraph (2)(C) to provide training necessary to improve the qualifications of the staff of the Head Start agencies, and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

(vi) Such other activities as the Secretary may designate.

(D)(i) Funds reserved under subparagraph (A) shall be allotted by the Secretary as follows:

(I) 80 percent of such funds shall be allotted among the States in the same proportion as the Secretary allots funds among the States under paragraph (4) for the respective fiscal year.

(II) 20 percent of such funds shall be allotted among the States, geographical areas specified in subsection (a)(2)(B) of this section and Indian Head Start programs and migrant and seasonal Head Start programs, and used to make grants to Head Start agencies, at the discretion of the Secretary.

(ii) Funds allotted under clause (i) shall be used by the Secretary to make grants to Head Start agencies that receive grants from funds allotted under paragraph (4) for such fiscal year, in such amounts as the Secretary considers to be appropriate, for expenditure for activities specified in subparagraph (C).

(iii) Funds received under this subparagraph shall be used to supplement, not to supplant, funds received under paragraph (2) or (4).

(4) Subject to section 9834(b) of this title, the Secretary shall allot the remaining amounts appropriated in each fiscal year among the States, in accordance with latest satisfactory data so that –

(A) each State receives an amount which is equal to the amount the State received for fiscal year 1998; and

(B) any amount available after all allotments are made under subparagraph (A) for such fiscal year shall be distributed proportionately on the basis of the number of children less than 5 years of age from families whose income is below the poverty line.

For purposes of this paragraph, for each fiscal year the Secretary shall use the most recent data available on the number of children less than 5 years of age from families whose income is below the poverty line, as published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the most recent data available would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretaries shall issue a report setting forth their reasons in detail.

(5)(A) From amounts reserved and allotted pursuant to paragraph (4), the Secretary shall reserve such sums as may be necessary to award the collaboration grants described in subparagraphs (B) and (D).

(B) From the reserved sums, the Secretary may award a collaboration grant to each State to facilitate collaboration regarding activities carried out in the State under this subchapter, and other activities carried out in, and by, the State that are designed to benefit low-income children and families and to encourage Head Start agencies to collaborate with entities involved in State and local planning processes (including the State lead agency administering the financial assistance received under subchapter II-B of this chapter and the entities providing resource and referral services in the State) in order to better meet the needs of low-income children and families.

(C) A State that receives a grant under subparagraph (B) shall –

- (i) appoint an individual to serve as a State liaison between –
 - (I) the appropriate regional office of the Administration for Children and Families and agencies and individuals carrying out Head Start programs in the State; and
 - (II) agencies (including local educational agencies) and entities carrying out programs serving low-income children and families;
- (ii) involve the State Head Start Association in the selection of the individual, and involve the association in determinations relating to the ongoing direction of the collaboration;
- (iii) ensure that the individual holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies;
- (iv) ensure that the collaboration described in subparagraph (B) involves coordination of Head Start services with health care, welfare, child care, education, and community service activities, family literacy services, activities relating to children with disabilities (including coordination of services with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1445, 1419)), and services for homeless children;
- (v) include representatives of the State Head Start Association and local Head Start agencies in unified planning regarding early care and education services at both the State and local levels,

including collaborative efforts to plan for the provision of full–working–day, full calendar year early care and education services for children; and

(vi) encourage local Head Start agencies to appoint a State level representative to represent Head Start agencies within the State in conducting collaborative efforts described in subparagraphs (B) and (D), and in clause (v).

(D) Following the award of collaboration grants described in subparagraph (B), the Secretary shall provide, from the reserved sums, supplemental funding for collaboration grants –

(i) to States that (in consultation with their State Head Start Associations) develop statewide, regional, or local unified plans for early childhood education and child care that include the participation of Head Start agencies; and

(ii) to States that engage in other innovative collaborative initiatives, including plans for collaborative training and professional development initiatives for child care, early childhood education and Head Start service managers, providers, and staff.

(E)(i) The Secretary shall –

(I) review on an ongoing basis evidence of barriers to effective collaboration between Head Start programs and other Federal, State, and local child care and early childhood education programs and resources;

(II) develop initiatives, including providing additional training and technical assistance and making regulatory changes,

in necessary cases, to eliminate barriers to the collaboration;

and

(III) develop a mechanism to resolve administrative and programmatic conflicts between programs described in subclause

(I) that would be a barrier to service providers, parents, or children related to the provision of unified services and the consolidation of funding for child care services.

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

(F) As used in this paragraph, the term "low-income", used with respect to children or families, shall not be considered to refer only to children or families that meet the low-income criteria prescribed pursuant to section 9840(a)(1)(A) of this title.

(6)(A) From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 9840a(a) of this title, a portion of the combined total of such amounts equal to 7.5 percent for fiscal year 1999, 8 percent for fiscal year 2000, 9 percent for fiscal year 2001, 10 percent for fiscal year 2002, and 10 percent for fiscal

year 2003, of the amount appropriated pursuant to section 9834(a) of this title, except as provided in subparagraph (B).

(B)(i) If the Secretary does not submit an interim report on the preliminary findings of the Early Head Start impact study currently being conducted by the Secretary (as of October 27, 1998) to the appropriate committees by June 1, 2001, the amount of the reserved portion for fiscal year 2002 that exceeds the reserved portion for fiscal year 2001, if any, shall be used for quality improvement activities described in subsection (a)(3) of this section and shall not be used to serve an increased number of eligible children under section 9840a of this title.

(ii) If the Secretary does not submit a final report on the Early Head Start impact study to the appropriate committees by June 1, 2002, or if the Secretary finds in the report that there are substantial deficiencies in the programs carried out under section 9840a of this title, the amount of the reserved portion for fiscal year 2003 that exceeds the reserved portion for fiscal year 2002, if any, shall be used for quality improvement activities described in subsection (a)(3) of this section and shall not be used to serve an increased number of eligible children under section 9840a of this title.

(iii) In this subparagraph:

(I) The term "appropriate committees" means the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Appropriations of the

Senate.

(II) The term "reserved portion", used with respect to a fiscal year, means the amount required to be used in accordance with subparagraph (A) for that fiscal year.

(C)(i) For any fiscal year for which the Secretary determines that the amount appropriated under section 9834(a) of this title is not sufficient to permit the Secretary to reserve the portion described in subparagraph (A) without reducing the number of children served by Head Start programs or adversely affecting the quality of Head Start services, relative to the number of children served and the quality of the services during the preceding fiscal year, the Secretary may reduce the percentage of funds required to be reserved for the portion described in subparagraph (A) for the fiscal year for which the determination is made, but not below the percentage required to be so reserved for the preceding fiscal year.

(ii) For any fiscal year for which the amount appropriated under section 9834(a) of this title is reduced to a level that requires a lower amount to be made available under this subchapter to Head Start agencies and entities described in section 9840a of this title, relative to the amount made available to the agencies and entities for the preceding fiscal year, adjusted as described in paragraph (3)(A)(ii), the Secretary shall proportionately reduce –

(I) the amounts made available to the entities for programs carried out under section 9840a of this title; and

(II) the amounts made available to Head Start agencies for Head

Start programs.

(7) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

(b) Federal share

Financial assistance extended under this subchapter for a Head Start program shall not exceed 80 percent of the approved costs of the assisted program or activities, except that the Secretary may approve assistance in excess of such percentage if the Secretary determines that such action is required in furtherance of the purposes of this subchapter. For the purpose of making such determination, the Secretary shall take into consideration with respect to the Head Start program involved –

(1) the lack of resources available in the community that may prevent the Head Start agency from providing all or a portion of the non-Federal contribution that may be required under this subsection;

(2) the impact of the cost the Head Start agency may incur in initial years it carries out such program;

(3) the impact of an unanticipated increase in the cost the Head Start agency may incur to carry out such program;

(4) whether the Head Start agency is located in a community adversely affected by a major disaster; and

(5) the impact on the community that would result if the Head Start agency ceased to carry out such program.

Non-Federal contributions may be in cash or in kind, fairly evaluated, including plant, equipment, or services. The Secretary shall not require non-Federal contributions in excess of 20 percent of the approved costs of programs or activities assisted under this subchapter.

(c) Services covered

No programs shall be approved for assistance under this subchapter unless the Secretary is satisfied that the services to be provided under such program will be in addition to, and not in substitution for, comparable services previously provided without Federal assistance. The requirement imposed by the preceding sentence shall be subject to such regulations as the Secretary may prescribe.

(d) Enrollment of children with disabilities and provision of services

The Secretary shall establish policies and procedures designed to assure that for fiscal year 1999 and thereafter no less than 10 percent of the total number of enrollment opportunities in Head Start programs in each State shall be available for children with disabilities and that services shall be provided to meet their special needs. Such policies and procedures shall require Head Start agencies to coordinate programmatic efforts with efforts to implement part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419).

(e) Distribution of benefits between residents of rural and urban areas

The Secretary shall adopt appropriate administrative measures to assure that the benefits of this subchapter will be distributed equitably between residents of rural and urban areas.

(f) Guidelines for local service delivery models

The Secretary shall establish procedures to enable Head Start agencies to develop locally designed or specialized service delivery models to address local community needs.

(g) Maintenance of current services; expansion of Head Start programs

(1) If in any fiscal year, the amounts appropriated to carry out the program under this subchapter exceed the amount appropriated in the prior fiscal year, the Secretary shall, prior to using such additional funds to serve an increased number of children, allocate such funds in a manner that makes available the funds necessary to maintain the level of services provided during the prior year, taking into consideration the percentage change in the Consumer Price Index For All Urban Consumers, as published by the Bureau of Labor Statistics.

(2) For the purpose of expanding Head Start programs, in allocating funds to an applicant within a State, from amounts allotted to a State pursuant to subsection (a)(4) of this section, the Secretary shall take into consideration –

(A) the quality of the applicant's programs (including Head Start and other child care or child development programs) in existence on the date of the allocation, including, in the case of Head Start programs in existence on the date of the

allocation, the extent to which such programs meet or exceed performance standards and other requirements under this subchapter, and the performance history of the applicant in providing services under other Federal programs (other than the program carried out under this subchapter);

(B) the applicant's capacity to expand services (including, in the case of Head Start programs in existence on the date of the allocation, whether the applicant accomplished any prior expansions in an effective and timely manner);

(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations and public agencies serving children and families (including organizations serving families in whose homes English is not the language customarily spoken), and organizations and public entities serving children with disabilities;

(D) the extent to which the family and community needs assessment of the applicant reflects a need to provide full-working-day or full calendar year services and the extent to which, and manner in which, the applicant demonstrates the ability to collaborate and participate with other local community providers of child care or preschool services to provide full-working-day full calendar year services;

(E) the numbers of eligible children in each community who are not participating in a Head Start program or any other early childhood program;

(F) the concentration of low-income families in each community;

(G) the extent to which the applicant proposes to foster partnerships with other service providers in a manner that will enhance the resource capacity of the applicant; and

(H) the extent to which the applicant, in providing services, plans to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, regarding such services and the education services provided by such local educational agency.

(3) In determining the amount of funds reserved pursuant to subparagraph (A) or (B) of subsection (a)(2) of this section to be used for expanding Head Start programs under this subchapter, the Secretary shall take into consideration, to the extent appropriate, the factors specified in paragraph (2).

(4) Notwithstanding subsection (a)(2) of this section, after taking into account paragraph (1), the Secretary may allocate a portion of the remaining additional funds under subsection (a)(2)(A) of this section for the purpose of increasing funds available for activities described in such subsection.

(h) Full-working-day services

Financial assistance provided under this subchapter may be used by each Head Start program to provide full-working-day Head Start services to any eligible child throughout the full calendar year.

(i) Vehicle safety regulations

The Secretary shall issue regulations establishing requirements

for the safety features, and the safe operation, of vehicles used by Head Start agencies to transport children participating in Head Start programs.

(j) Compensation of staff

Any agency that receives financial assistance under this subchapter to improve the compensation of staff who provide services under this subchapter (!2) shall use the financial assistance to improve the compensation of such staff, regardless of whether the agency has the ability to improve the compensation of staff employed by the agency who do not provide Head Start services.

(k) Flexibility in hours of service requirement

(1) The Secretary shall allow center-based Head Start programs the flexibility to satisfy the total number of hours of service required by the regulations in effect on May 18, 1994, to be provided to children in Head Start programs so long as such agencies do not –

(A) provide less than 3 hours of service per day;

(B) reduce the number of days of service per week; or

(C) reduce the number of days of service per year.

(2) The provisions of this subsection shall not be construed to restrict the authority of the Secretary to fund alternative program variations authorized under section 1306.35 of title 45 of the Code of Federal Regulations in effect on May 18, 1994.

(l) Frequent relocation of migrant families

(1) With funds made available under subsection (a)(2) of this

section to migrant and seasonal Head Start programs, the Secretary shall give priority to migrant and seasonal Head Start programs that serve eligible children of migrant and seasonal farmworker families whose work requires them to relocate most frequently.

(2) For purposes of subsection (a)(2)(A) of this section, in determining the need and demand for migrant and seasonal Head Start programs (and services provided through such programs), the Secretary shall consult with appropriate entities, including providers of services for migrant and seasonal Head Start programs.

The Secretary shall, after taking into consideration the need and demand for migrant and seasonal Head Start programs (and such services), ensure that there is an adequate level of such services for eligible children of migrant farmworkers before approving an increase in the allocation of funds provided under such subsection for unserved eligible children of seasonal farmworkers. In serving the eligible children of seasonal farmworkers, the Secretary shall ensure that services provided by migrant and seasonal Head Start programs do not duplicate or overlap with other Head Start services available to eligible children of such farmworkers.

(3) In carrying out this subchapter, the Secretary shall continue the administrative arrangement responsible for meeting the needs of children of migrant and seasonal farmworkers and Indian children and shall ensure that appropriate funding is provided to meet such needs.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 640, Aug. 13, 1981, 95 Stat. 499;

Pub. L. 98–558, title I, Sec. 103, Oct. 30, 1984, 98 Stat. 2878;
Pub. L. 99–425, title I, Sec. 102, Sept. 30, 1986, 100 Stat. 966;
Pub. L. 101–476, title IX, Sec. 901(d), Oct. 30, 1990, 104 Stat.
1151; Pub. L. 101–501, title I, Secs. 104(a), 105, 123(b), Nov. 3,
1990, 104 Stat. 1224, 1228, 1237; Pub. L. 102–119, Sec. 26(g), Oct.
7, 1991, 105 Stat. 607; Pub. L. 102–401, Sec. 2(a)–(d), (k)(1),
Oct. 7, 1992, 106 Stat. 1956, 1958; Pub. L. 103–252, title I, Sec.
105, May 18, 1994, 108 Stat. 626; Pub. L. 104–193, title I, Sec.
110(t), Aug. 22, 1996, 110 Stat. 2175; Pub. L. 105–285, title I,
Sec. 106(a)–(d), Oct. 27, 1998, 112 Stat. 2705–2711.)

–REFTEXT–

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in
subsecs. (a)(5)(C)(iv) and (d), is title VI of Pub. L. 91–230, Apr.
13, 1970, 84 Stat. 175, as amended. Part C of the Act is classified
generally to subchapter III (Sec. 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.

This subchapter, referred to in subsec. (j), was in the original
"this Act" and was translated as reading "this subchapter", meaning
subchapter B (Secs. 635–657) of chapter 8 of subtitle A of title VI
of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 499, known as the Head
Start Act, which is classified generally to this subchapter, to
reflect the probable intent of Congress.

–MISC1–

AMENDMENTS

1998 – Subsec. (a)(2). Pub. L. 105–285, Sec. 106(a)(1)(F), inserted at end of concluding provisions "No Freely Associated State may receive financial assistance under this subchapter after fiscal year 2002."

Subsec. (a)(2)(A). Pub. L. 105–285, Sec. 106(a)(1)(A), substituted "Head Start programs, services for children with disabilities, and migrant and seasonal Head Start programs" for "and migrant Head Start programs and services for handicapped children", "Head Start programs and by migrant and seasonal" for "and migrant" before "Head Start programs" in two places, and "1998" for "1994".

Subsec. (a)(2)(B). Pub. L. 105–285, Sec. 106(a)(1)(B), substituted "(B) payments, subject to paragraph (7) – ", cls. (i) to (iii), and "according" for "(B) payments to Guam, American Samoa, the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands according".

Subsec. (a)(2)(C). Pub. L. 105–285, Sec. 106(a)(1)(C), substituted ", of which not less than \$3,000,000 of the amount appropriated for such fiscal year shall be made available to carry out activities described in section 9843(c)(4) of this title;" for "; and".

Subsec. (a)(2)(D). Pub. L. 105–285, Sec. 106(a)(1)(D), which directed substitution of "carried out under paragraph (1), (2), or (3) of section 9836a(d) of this title related to correcting

deficiencies and conducting proceedings to terminate the designation of Head Start agencies; and" for "related to the development and implementation of quality improvement plans under section 9836a(d)(2) of this title.", was executed by making the substitution for "related to the development and implementation of quality improvement plans under section 9836a(d)(2) of this title)."

Subsec. (a)(2)(E). Pub. L. 105–285, Sec. 106(a)(1)(E), added subpar. (E).

Subsec. (a)(3)(A)(i)(I). Pub. L. 105–285, Sec. 106(a)(2)(A), substituted "60 percent of such excess amount for fiscal year 1999, 50 percent of such excess amount for fiscal year 2000, 47.5 percent of such excess amount for fiscal year 2001, 35 percent of such excess amount for fiscal year 2002, and 25 percent of such excess amount for fiscal year 2003;" for "25 percent of such excess amount;"

Subsec. (a)(3)(B)(ii). Pub. L. 105–285, Sec. 106(a)(2)(B)(i), substituted "adequate numbers of qualified staff" for "adequate qualified staff" and inserted "and children with disabilities" before ", when appropriate".

Subsec. (a)(3)(B)(iv). Pub. L. 105–285, Sec. 106(a)(2)(B)(ii), inserted before period at end ", and to encourage the staff to continually improve their skills and expertise by informing the staff of the availability of Federal and State incentive and loan forgiveness programs for professional development".

Subsec. (a)(3)(B)(v). Pub. L. 105–285, Sec. 106(a)(2)(B)(iii),

inserted "and collaboration efforts for such programs" before period at end.

Subsec. (a)(3)(B)(vi). Pub. L. 105–285, Sec. 106(a)(2)(B)(iv), inserted before period at end ", and are accessible to children with disabilities and their parents".

Subsec. (a)(3)(B)(vii), (viii). Pub. L. 105–285, Sec. 106(a)(2)(B)(v), (vi), added cl. (vii) and redesignated former cl. (vii) as (viii).

Subsec. (a)(3)(C)(i)(I). Pub. L. 105–285, Sec. 106(a)(2)(C)(i)(I), substituted "this paragraph" for "this subparagraph", "of classroom teachers and other staff" for "of staff", and "qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 9843a(a) of this title" for "such staff", and inserted at end "Preferences in awarding salary increases, in excess of cost-of-living allowances, with such funds shall be granted to classroom teachers and staff who obtain additional training or education related to their responsibilities as employees of a Head Start program."

Subsec. (a)(3)(C)(i)(II). Pub. L. 105–285, Sec. 106(a)(2)(C)(i)(II), substituted "this subparagraph" for "the subparagraph".

Subsec. (a)(3)(C)(i)(III). Pub. L. 105–285, Sec. 106(a)(2)(C)(i)(III), added subcl. (III).

Subsec. (a)(3)(C)(ii). Pub. L. 105–285, Sec. 106(a)(2)(C)(ii), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as

follows: "To pay transportation costs incurred by Head Start agencies to enable eligible children to participate in a Head Start program."

Subsec. (a)(3)(C)(v) to (vii). Pub. L. 105–285, Sec.

106(a)(2)(C)(iii), (iv), redesignated cls. (vi) and (vii) as (v) and (vi), respectively, and struck out former cl. (v) which read as follows: "To make nonstructural and minor structural changes, and to acquire and install equipment, for the purpose of improving facilities necessary to expand the availability, or enhance the quality, of Head Start programs."

Subsec. (a)(3)(D)(i)(II). Pub. L. 105–285, Sec. 106(a)(2)(D), substituted "Head Start programs and migrant and seasonal" for "and migrant".

Subsec. (a)(4). Pub. L. 105–285, Sec. 106(a)(3)(C), inserted concluding provisions.

Subsec. (a)(4)(A). Pub. L. 105–285, Sec. 106(a)(3)(A), substituted "1998" for "1981".

Subsec. (a)(4)(B). Pub. L. 105–285, Sec. 106(a)(3)(B), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows:

"(B)(i) 33 1/3 percent of any amount available after all allotments have been made under subparagraph (A) for such fiscal year shall be distributed on the basis of the relative number of children from birth through 18 years of age, on whose behalf payments are made under the State program of assistance funded under part A of title IV of the Social Security Act in each State

as compared to all States; and

"(ii) $\frac{2}{3}$ percent of such amount shall be distributed on the basis of the relative number of children from birth through 5 years of age living with families with incomes below the poverty line in each State as compared to all States."

Subsec. (a)(5)(A). Pub. L. 105–285, Sec. 106(a)(4)(A), substituted "subparagraphs (B) and (D)" for "subparagraph (B)".

Subsec. (a)(5)(B). Pub. L. 105–285, Sec. 106(a)(4)(B), inserted before period at end "and to encourage Head Start agencies to collaborate with entities involved in State and local planning processes (including the State lead agency administering the financial assistance received under subchapter II–B of this chapter and the entities providing resource and referral services in the State) in order to better meet the needs of low–income children and families".

Subsec. (a)(5)(C)(i)(I). Pub. L. 105–285, Sec. 106(a)(4)(C)(i), inserted "the appropriate regional office of the Administration for Children and Families and" before "agencies".

Subsec. (a)(5)(C)(iii). Pub. L. 105–285, Sec. 106(a)(4)(C)(ii), struck out "and" at end.

Subsec. (a)(5)(C)(iv). Pub. L. 105–285, Sec. 106(a)(4)(C)(iii), substituted "education, and community service activities," for "education, and national service activities," "activities" for "and activities" before "relating to children with disabilities", and "(including coordination of services with those State officials who are responsible for administering part C and section 619 of the

Individuals with Disabilities Education Act (20 U.S.C. 1431–1445, 1419)), and services for homeless children;" for period at end.

Subsec. (a)(5)(C)(v), (vi). Pub. L. 105–285, Sec.

106(a)(4)(C)(iv), added cls. (v) and (vi).

Subsec. (a)(5)(D) to (F). Pub. L. 105–285, Sec. 106(a)(4)(D), (E), added subpars. (D) and (E) and redesignated former subpar. (D) as (F).

Subsec. (a)(6). Pub. L. 105–285, Sec. 106(a)(5), designated existing provisions as subpar. (A), substituted "7.5 percent for fiscal year 1999, 8 percent for fiscal year 2000, 9 percent for fiscal year 2001, 10 percent for fiscal year 2002, and 10 percent for fiscal year 2003, of the amount appropriated pursuant to section 9834(a) of this title, except as provided in subparagraph (B)." for "3 percent for fiscal year 1995, 4 percent for each of fiscal years 1996 and 1997, and 5 percent for fiscal year 1998, of the amount appropriated pursuant to section 9834(a) of this title.", and added subpars. (B) and (C).

Subsec. (d). Pub. L. 105–285, Sec. 106(b)(2), which directed striking out "(as defined in section 1401(a) of title 20)", was executed by striking out "(as defined in section 1401(a)(1) of title 20)" after "children with disabilities" to reflect the probable intent of Congress.

Pub. L. 105–285, Sec. 106(b)(1), (3), substituted "1999" for "1982" and inserted at end "Such policies and procedures shall require Head Start agencies to coordinate programmatic efforts with efforts to implement part C and section 619 of the Individuals with

Disabilities Education Act (20 U.S.C. 1431–1445, 1419).".

Subsec. (g)(2)(A). Pub. L. 105–285, Sec. 106(c)(1)(A), inserted before semicolon at end ", and the performance history of the applicant in providing services under other Federal programs (other than the program carried out under this subchapter)".

Subsec. (g)(2)(C). Pub. L. 105–285, Sec. 106(c)(1)(B), inserted ", and organizations and public entities serving children with disabilities" before semicolon at end.

Subsec. (g)(2)(D). Pub. L. 105–285, Sec. 106(c)(1)(C), inserted before semicolon at end "and the extent to which, and manner in which, the applicant demonstrates the ability to collaborate and participate with other local community providers of child care or preschool services to provide full–working–day full calendar year services".

Subsec. (g)(2)(E). Pub. L. 105–285, Sec. 106(c)(1)(D), substituted "program or any other early childhood program;" for "program; and".

Subsec. (g)(2)(G), (H). Pub. L. 105–285, Sec. 106(c)(1)(E), (F), added subpars. (G) and (H).

Subsec. (g)(4). Pub. L. 105–285, Sec. 106(c)(2), added par. (4).

Subsec. (l). Pub. L. 105–285, Sec. 106(d), designated existing provisions as par. (1), substituted "migrant and seasonal Head Start programs" for "migrant Head Start programs" in two places and "migrant and seasonal farmworker families" for "migrant families", and added pars. (2) and (3).

1996 – Subsec. (a)(4)(B)(i). Pub. L. 104–193 substituted "State

program of assistance funded" for "program of aid to families with dependent children under a State plan approved".

1994 – Subsec. (a)(1). Pub. L. 103–252, Sec. 105(b)(1), substituted "through (4), and subject to paragraphs (5) and (6)" for "through (5)".

Subsec. (a)(2)(A). Pub. L. 103–252, Sec. 105(b)(2)(A), substituted "1994" for "1990".

Subsec. (a)(2)(D). Pub. L. 103–252, Sec. 105(b)(2)(B), inserted "(including payments for all costs (other than compensation of Federal employees) of reviews of Head Start agencies and programs under section 9836a(c) of this title, and of activities related to the development and implementation of quality improvement plans under section 9836a(d)(2) of this title)" after "Secretary".

Subsec. (a)(3)(A), (B). Pub. L. 103–252, Sec. 105(a)(2), added subpars. (A) and (B). Former subpars. (A) and (B) redesignated subpars. (C) and (D), respectively.

Subsec. (a)(3)(C). Pub. L. 103–252, Sec. 105(a)(1)–(3), redesignated subpar. (A) as (C), substituted in introductory provisions "Quality improvement funds shall be used to carry out any or all of the following activities:" for "For any fiscal year for which the amount appropriated under section 9834(a) of this title exceeds the adjusted appropriation, the Secretary shall reserve the quality improvement funds for such fiscal year, for one or more of the following quality improvement activities:", and added cl. (vii).

Subsec. (a)(3)(D). Pub. L. 103–252, Sec. 105(a)(1), redesignated

subpar. (B) as (D).

Subsec. (a)(3)(D)(i). Pub. L. 103–252, Sec. 105(a)(4)(A), (b)(3), struck out "for the first, second, and third fiscal years for which funds are so reserved" after "subparagraph (A)" in introductory provisions, substituted "paragraph (4)" for "paragraph (5)" in subcl. (I), and inserted "geographical areas specified in subsection (a)(2)(B) of this section and Indian and migrant Head Start programs," after "States," in subcl. (II).

Subsec. (a)(3)(D)(ii). Pub. L. 103–252, Sec. 105(b)(3), substituted "paragraph (4)" for "paragraph (5)".

Pub. L. 103–252, Sec. 105(a)(4)(B), (E), redesignated cl. (iv) as (ii) and struck out former cl. (ii) which read as follows: "Funds reserved under subparagraph (A) for any fiscal year subsequent to the third fiscal year for which funds are so reserved shall be allotted by the Secretary among the States in the same proportion as the Secretary allots funds among the States under paragraph (5) for the respective subsequent fiscal year."

Subsec. (a)(3)(D)(iii). Pub. L. 103–252, Sec. 105(a)(4)(B), (E), redesignated cl. (vi) as (iii) and struck out former cl. (iii) which read as follows: "To be expended for the activities specified in subparagraph (A) in the first fiscal, second, and third fiscal years for which funds are required by such subparagraph to be reserved, funds allotted under clause (i)(I) shall be used by the Secretary to make a grant to each Head Start agency that receives a grant from funds allotted under paragraph (5) for such fiscal year, in the amount that bears the same ratio to the amount allotted

under clause (i)(I) for such fiscal year for the State in which such agency is located as the number of children participating in the Head Start program of such agency in such fiscal year bears to the number of children participating in all Head Start programs in such State in such fiscal year."

Subsec. (a)(3)(D)(iv). Pub. L. 103–252, Sec. 105(a)(4)(E), redesignated cl. (iv) as (ii).

Pub. L. 103–252, Sec. 105(a)(4)(C), substituted "Funds" for "To be expended for the activities specified in subparagraph (A) in each subsequent fiscal year for which funds are required by such subparagraph to be reserved, funds" and "clause (i)" for "clause (ii)", inserted ", for expenditure for activities specified in subparagraph (C)", and struck out at end "The aggregate amount of grants made under this clause to Head Start agencies in a State for a fiscal year may not exceed the amount allotted under clause (ii) for such State for such fiscal year."

Subsec. (a)(3)(D)(v). Pub. L. 103–252, Sec. 105(a)(4)(E), struck out cl. (v) which read as follows: "If a Head Start agency certifies for such fiscal year to the Secretary that it does not need any funds under subparagraph (A), or does not need part of such funds it would otherwise receive under clause (iii) or (iv), then unneeded funds shall be used by the Secretary to make grants under this subparagraph without regard to such agency."

Subsec. (a)(3)(D)(vi). Pub. L. 103–252, Sec. 105(a)(4)(E), redesignated cl. (vi) as (iii).

Pub. L. 103–252, Sec. 105(a)(4)(D), substituted "paragraph (2) or

(4)" for "paragraphs (2), (4), and (5)".

Subsec. (a)(4). Pub. L. 103–252, Sec. 105(b)(4), (5), redesignated par. (5) as (4), substituted "Subject to section 9834(b) of this title, the Secretary" for "The Secretary", and struck out former par. (4), which related to Secretary reserving sums for grants to carry out early childhood intervention programs, known as "Parent–Child Centers".

Subsec. (a)(5), (6). Pub. L. 103–252, Sec. 105(b)(6), added pars. (5) and (6). Former pars. (5) and (6) redesignated (4) and (7), respectively.

Subsec. (a)(7). Pub. L. 103–252, Sec. 105(b)(4), redesignated par. (6) as (7).

Subsec. (g). Pub. L. 103–252, Sec. 105(c), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (h). Pub. L. 103–252, Sec. 105(d), substituted "Financial assistance provided under this subchapter may be used by each Head Start program to" for "Each Head Start program may".

Subsecs. (j) to (l). Pub. L. 103–252, Sec. 105(e), added subsecs. (j) to (l).

1992 – Subsec. (a)(2)(A). Pub. L. 102–401, Sec. 2(k)(1)(A)(i)(I), inserted "children" after "handicapped".

Subsec. (a)(2)(B). Pub. L. 102–401, Sec. 2(k)(1)(A)(i)(II), substituted "Commonwealth of" for "Commonwealth of,".

Subsec. (a)(2)(C). Pub. L. 102–401, Sec. 2(k)(1)(A)(i)(III), substituted "such fiscal year" for "any such fiscal year".

Subsec. (a)(3)(A)(vi). Pub. L. 102–401, Sec. 2(k)(1)(A)(ii),

substituted "paragraph (2)(C)" for "subsection (a)(2)(C) of this section".

Subsec. (a)(3)(B)(i). Pub. L. 102–401, Sec. 2(a)(1), substituted ", second, and third" for "and second".

Subsec. (a)(3)(B)(ii). Pub. L. 102–401, Sec. 2(a)(2), substituted "third" for "second".

Subsec. (a)(3)(B)(iii). Pub. L. 102–401, Sec. 2(a)(1), substituted ", second, and third" for "and second".

Subsec. (a)(4)(B)(i)(II). Pub. L. 102–401, Sec. 2(b), inserted ", literacy," after "skills".

Subsec. (a)(5)(B)(i). Pub. L. 102–401, Sec. 2(k)(1)(A)(iii), substituted "subparagraph (A)" for "clause (A)".

Subsec. (b). Pub. L. 102–401, Sec. 2(c), struck out ", in accordance with regulations establishing objective criteria," after "if the Secretary determines" and inserted after first sentence "For the purpose of making such determination, the Secretary shall take into consideration with respect to the Head Start program involved – " and cls. (1) to (5).

Subsec. (g). Pub. L. 102–401, Sec. 2(k)(1)(B), substituted "Price Index For All" for "Price Index for all".

Subsec. (i). Pub. L. 102–401, Sec. 2(d), added subsec. (i).

1991 – Subsec. (d). Pub. L. 102–119 substituted "section 1401(a)(1) of title 20" for "paragraph (1) of section 1401 of title 20". The references to section 1401 of title 20 include the substitution of "Individuals with Disabilities Education Act" for "Education of the Handicapped Act" in the original.

1990 – Subsec. (a)(1). Pub. L. 101–501, Sec. 104(a)(1),

substituted "through (5)" for "and (3)".

Subsec. (a)(2). Pub. L. 101–501, Sec. 104(a)(2)(D), (E), struck out before last sentence "The minimum reservation contained in clause (C) of this paragraph shall not apply in any fiscal year in which the appropriation for the program authorized by this subchapter is less than the amount appropriated for fiscal year 1984." and inserted "or paragraph (3)" after "under this paragraph" in last sentence.

Subsec. (a)(2)(A). Pub. L. 101–501, Sec. 104(a)(2)(A), substituted ", except that there shall be made available for each fiscal year for use by Indian and migrant Head Start programs, on a nationwide basis, not less than the amount that was obligated for use by Indian and migrant Head Start programs for fiscal year 1990" for "children, except that there shall be made available for use by Indian and migrant Head Start programs, on a nationwide basis, no less funds for fiscal year 1987 and each subsequent fiscal year than were obligated for use by Indian and migrant Head Start programs for fiscal year 1985".

Subsec. (a)(2)(B). Pub. L. 101–501, Sec. 104(a)(2)(B), substituted "the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, the Commonwealth of" for "the Trust Territory of the Pacific Islands".

Subsec. (a)(2)(C). Pub. L. 101–501, Sec. 104(a)(2)(C), substituted "2 percent of the amount appropriated for any such fiscal year" for "the amount expended for training and technical

assistance activities under this clause for fiscal year 1982".

Subsec. (a)(3), (4). Pub. L. 101–501, Sec. 104(a)(5), added pars.

(3) and (4). Former pars. (3) and (4) redesignated (5) and (6), respectively.

Subsec. (a)(5). Pub. L. 101–501, Sec. 104(a)(3), (4), redesignated par. (3) as (5) and struck out "87 percent of the" after "allot the remaining".

Subsec. (a)(6). Pub. L. 101–501, Sec. 104(a)(4), (6), redesignated par. (4) as (6), inserted "the Commonwealth of" before "the Northern Mariana", and substituted "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau" for "or the Trust Territory of the Pacific Islands".

Subsec. (d). Pub. L. 101–501, Sec. 105(1), struck out sentence at end requiring Secretary to report to Congress at least annually on status of children with disabilities in Head Start programs.

Pub. L. 101–476, Sec. 901(d), substituted "children with disabilities" for "handicapped children" in two places and substituted "disabling" for "handicapping".

Subsecs. (f), (g). Pub. L. 101–501, Sec. 105(2), added subsecs. (f) and (g).

Subsec. (h). Pub. L. 101–501, Sec. 123(b), added subsec. (h).

1986 – Subsec. (a)(2)(A). Pub. L. 99–425, in amending cl. (A) generally, designated existing subcl. (i) as all of cl. (A), substituted "1987" for "1982" and "1985" for "1981", and struck out subcl. (ii) relating to cost-of-living adjustments.

1984 – Subsec. (a)(2). Pub. L. 98–558 inserted "as described in

section 9843 of this title, in an amount for each fiscal year which is not less than the amount expended for training and technical assistance activities under this clause for fiscal year 1982" in cl. (C), and inserted at end "The minimum reservation contained in clause (C) of this paragraph shall not apply in any fiscal year in which the appropriation for the program authorized by this subchapter is less than the amount appropriated for fiscal year 1984. No funds reserved under this paragraph may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this subchapter."

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104–193, as amended, set out as an Effective Date note under section 601 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–252 effective May 18, 1994, but not applicable to Head Start agencies and other recipients of financial

assistance under the Head Start Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103–252, set out as a note under section 9832 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 4 of Pub. L. 102–401 provided that:

"(a) Effective Dates. – (1) Except as provided in paragraph (2) and subsection (b), this Act [amending this section and sections 9835a to 9839, 9846, 9846a, and 9858n of this title and enacting provisions set out as a note under section 9836 of this title] and the amendments made by this Act shall take effect on the date of the enactment of this Act [Oct. 7, 1992].

"(2) The amendment made by section 2(e)(1) [amending section 9836 of this title] shall take effect on July 30, 1992.

"(b) Application of Amendments. – The amendments made by this Act, other than the amendment made by section 2(e)(1), shall not apply with respect to fiscal years beginning before October 1, 1992."

EFFECTIVE DATE OF 1990 AMENDMENTS

Amendment by Pub. L. 101–501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101–501, set out as a note under section 8621 of this title.

Amendment by Pub. L. 101–476 effective Oct. 1, 1990, see section 1001 of Pub. L. 101–476, set out as a note under section 1087ee of Title 20, Education.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–425 effective Oct. 1, 1986, see section

1001 of Pub. L. 99–425, set out as a note under section 8621 of this title.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9832, 9839, 9840, 9840a, 9843, 9843a, 9844, 9846 of this title; title 20 section 9409.

–FOOTNOTE–

(1) So in original. Probably should be "agencies)". See 1998 Amendment note below.

(12) See References in Text note below.

–End–

–CITE–

42 USC Sec. 9835a 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

Sec. 9835a. Repealed. Pub. L. 103–252, title I, Sec. 106, May 18, 1994, 108 Stat. 629

–MISC1–

Section, Pub. L. 97–35, title VI, Sec. 640A, as added Pub. L.

101–501, title I, Sec. 106, Nov. 3, 1990, 104 Stat. 1229; amended

Pub. L. 102–401, Sec. 2(k)(2), Oct. 7, 1992, 106 Stat. 1958,

directed Secretary to prepare both interim and final comprehensive

reports to Congress on administration, funding, and demographics of

Head Start programs.

EFFECTIVE DATE OF REPEAL

Repeal effective May 18, 1994, but not applicable to Head Start agencies and other recipients of financial assistance under the Head Start Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103–252, set out as an Effective Date of 1994 Amendment note under section 9832 of this title.

–End–

–CITE–

42 USC Sec. 9836 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

Sec. 9836. Designation of Head Start agencies

–STATUTE–

(a) Authorization; prerequisites

The Secretary is authorized to designate as a Head Start agency any local public or private nonprofit or for–profit agency, within a community, which (1) has the power and authority to carry out the purposes of this subchapter and perform the functions set forth in section 9837 of this title within a community; and (2) is determined by the Secretary (in consultation with the chief executive officer of the State involved, if such State expends non–Federal funds to carry out Head Start programs) to be capable

of planning, conducting, administering, and evaluating, either directly or by other arrangements, a Head Start program.

(b) Definition

For purposes of this subchapter, a community may be a city, county, or multicounty or multicounty unit within a State, an Indian reservation (including Indians in any off-reservation area designated by an appropriate tribal government in consultation with the Secretary), or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed to operate a Head Start program.

(c) Priority

(1) In the administration of the provisions of this section (subject to paragraph (2)), the Secretary shall, in consultation with the chief executive officer of the State involved if such State expends non-Federal funds to carry out Head Start programs, give priority in the designation of Head Start agencies to any local public or private nonprofit or for-profit agency which is receiving funds under any Head Start program on August 13, 1981, unless the Secretary determines that the agency involved fails to meet program and financial management requirements, performance standards described in section 9836a(a)(1) of this title, results-based performance measures developed by the Secretary under section 9836a(b) of this title, or other requirements established by the Secretary.

(2) If there is no agency of the type referred to in paragraph

(1) because of any change in the assistance furnished to programs for economically disadvantaged persons, the Secretary shall, in consultation with the chief executive officer of the State if such State expends non-Federal funds to carry out Head Start programs, give priority in the designation of Head Start agencies to any successor agency that is operating a Head Start program in substantially the same manner as the predecessor agency that did receive funds in the fiscal year preceding the fiscal year for which the determination is made.

(3) Notwithstanding any other provision of this subsection, the Secretary shall not give such priority to any agency with respect to which financial assistance has been terminated, or an application for refunding has been denied, under this subchapter by the Secretary after affording such agency reasonable notice and opportunity for a full and fair hearing in accordance with section 9841(a)(3) of this title.

(d) Designation; Head Start agency; qualified applicants

If no entity in a community is entitled to the priority specified in subsection (c) of this section, then the Secretary may designate a Head Start agency from among qualified applicants in such community. In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to any qualified agency that functioned as a Head Start delegate agency in the community and carried out a Head Start program that the Secretary determines met or exceeded such performance standards and such results-based performance measures.

In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on –

- (1) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;
- (2) the plan of such applicant to provide comprehensive health, nutritional, educational, social, and other services needed to aid participating children in attaining their full potential;
- (3) the plan of such applicant to coordinate the Head Start program it proposes to carry out, with other preschool programs, including Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (!) (20 U.S.C. 2741 et seq.) and programs under part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1445, 1419), and with the educational programs such children will enter at the age of compulsory school attendance;
- (4) the plan of such applicant –
 - (A) to seek the involvement of parents of participating children in activities (at home and in the center involved where practicable) designed to help such parents become full partners in the education of their children;
 - (B) to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;
 - (C) to offer (directly or through referral to local entities,

such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (!1) (20 U.S.C. 2741 et seq.), public and school libraries, and family support programs) to such parents

–

(i) family literacy services; and

(ii) parenting skills training;

(D) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug–exposed infants and fetal alcohol syndrome;

(E) at the option of such applicant, to offer (directly or through referral to local entities) to such parents –

(i) training in basic child development;

(ii) assistance in developing communication skills;

(iii) opportunities for parents to share experiences with other parents; or

(iv) any other activity designed to help such parents become full partners in the education of their children; and

(F) to provide, with respect to each participating family, a family needs assessment that includes consultation with such

parents about the benefits of parent involvement and about the activities described in subparagraphs (C), (D), and (E) in

which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and

other responsibilities);

(5) the ability of such applicant to carry out the plans

described in paragraphs (2), (3), and (4);

(6) other factors related to the requirements of this

subchapter;

(7) the plan of such applicant to meet the needs of non-English

background children and their families, including needs related

to the acquisition of the English language;

(8) the plan of such applicant to meet the needs of children

with disabilities;

(9) the plan of such applicant who chooses to assist younger

siblings of children who will participate in the proposed Head

Start program to obtain health services from other sources; and

(10) the plan of such applicant to collaborate with other

entities carrying out early childhood education and child care

programs in the community.

(e) Designation of agency on an interim basis

If no agency in the community receives priority designation under

subsection (c) of this section, and there is no qualified applicant

in the community, the Secretary shall designate a qualified agency

to carry out the Head Start program in the community on an interim

basis until a qualified applicant from the community is so

designated.

(f) Involvement of parents and area residents in selection of

agencies

The Secretary shall require that the practice of significantly

involving parents and area residents affected by the program in

selection of Head Start agencies be continued.

(g) Priority for nonprofit agencies and applicants with demonstrated capacity

If the Secretary determines that a nonprofit agency and a for-profit agency have submitted applications for designation of equivalent quality under subsection (d) of this section, the Secretary may give priority to the nonprofit agency. In selecting from among qualified applicants for designation as a Head Start agency under subsection (d) of this section, the Secretary shall give priority to applicants that have demonstrated capacity in providing comprehensive early childhood services to children and their families.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 641, Aug. 13, 1981, 95 Stat. 501; Pub. L. 98–558, title I, Sec. 104, Oct. 30, 1984, 98 Stat. 2878; Pub. L. 101–501, title I, Secs. 107, 108, Nov. 3, 1990, 104 Stat. 1229, 1230; Pub. L. 102–401, Sec. 2(e)(1), (f)–(h), Oct. 7, 1992, 106 Stat. 1957; Pub. L. 103–252, title I, Sec. 107, May 18, 1994, 108 Stat. 629; Pub. L. 105–285, title I, Sec. 107, Oct. 27, 1998, 112 Stat. 2712.)

–REFTEXT–

REFERENCES IN TEXT

Part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, referred to in subsec. (d)(3), (4)(C), means part B of chapter 1 of title I of Pub. L. 89–10 which was classified generally to part B (Sec. 2741 et seq.) of division 1 of

subchapter I of chapter 47 of Title 20, Education, prior to being omitted in the general amendment of Pub. L. 89–10 by Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3519. See section 6381 et seq. of Title 20.

The Individuals with Disabilities Education Act, referred to in subsec. (d)(3), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended. Part C of the Act is classified generally to subchapter III (Sec. 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.

–MISC1–

AMENDMENTS

1998 – Subsec. (a). Pub. L. 105–285, Sec. 107(1), inserted "or for-profit" after "nonprofit" and "(in consultation with the chief executive officer of the State involved, if such State expends non-Federal funds to carry out Head Start programs)" after "Secretary" in cl. (2).

Subsec. (b). Pub. L. 105–285, Sec. 107(2), substituted "off-reservation area designated by an appropriate tribal government in consultation with the Secretary" for "area designated by the Bureau of Indian Affairs as near-reservation".

Subsec. (c)(1). Pub. L. 105–285, Sec. 107(3)(A), inserted ", in consultation with the chief executive officer of the State involved if such State expends non-Federal funds to carry out Head Start programs," after "Secretary shall" and "or for-profit" after

"nonprofit" and substituted "determines that the agency involved fails to meet program and financial management requirements, performance standards described in section 9836a(a)(1) of this title, results-based performance measures developed by the Secretary under section 9836a(b) of this title, or other requirements established by the Secretary" for "makes a finding that the agency involved fails to meet program, financial management, and other requirements established by the Secretary".

Subsec. (c)(2). Pub. L. 105-285, Sec. 107(3)(B), (C), inserted ", in consultation with the chief executive officer of the State if such State expends non-Federal funds to carry out Head Start programs," after "Secretary shall" and realigned margins.

Subsec. (c)(3). Pub. L. 105-285, Sec. 107(3)(C), realigned margins.

Subsec. (d). Pub. L. 105-285, Sec. 107(4)(A), inserted in introductory provisions "In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to any qualified agency that functioned as a Head Start delegate agency in the community and carried out a Head Start program that the Secretary determines met or exceeded such performance standards and such results-based performance measures."

Subsec. (d)(3). Pub. L. 105-285, Sec. 107(4)(B), inserted "and programs under part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419)" after "(20 U.S.C. 2741 et seq.)".

Subsec. (d)(4)(A). Pub. L. 105-285, Sec. 107(4)(C)(i), inserted

"(at home and in the center involved where practicable)" after "activities".

Subsec. (d)(4)(D). Pub. L. 105–285, Sec. 107(4)(C)(v), added subpar. (D). Former subpar. (D) redesignated (E).

Subsec. (d)(4)(D)(iii). Pub. L. 105–285, Sec. 107(4)(C)(ii)(I), inserted "or" at end.

Subsec. (d)(4)(D)(iv), (v). Pub. L. 105–285, Sec. 107(4)(C)(ii)(II), (III), redesignated cl. (v) as (iv) and struck out former cl. (iv) which read as follows: "substance abuse counseling; or".

Subsec. (d)(4)(E). Pub. L. 105–285, Sec. 107(4)(C)(iv), redesignated subpar. (D) as (E). Former subpar. (E) redesignated (F).

Pub. L. 105–285, Sec. 107(4)(C)(iii), substituted ", (D), and (E)" for "and (D)".

Subsec. (d)(4)(F). Pub. L. 105–285, Sec. 107(4)(C)(iv), redesignated subpar. (E) as (F).

Subsec. (d)(7). Pub. L. 105–285, Sec. 107(4)(D), amended par. (7) generally. Prior to amendment, par. (7) read as follows: "the plan of such applicant to meet the needs of non–English language background children and their families in the community; and".

Subsec. (d)(8) to (10). Pub. L. 105–285, Sec. 107(4)(E)–(G), added pars. (8) and (10) and redesignated former par. (8) as (9).

Subsec. (e). Pub. L. 105–285, Sec. 107(5), added subsec. (e) and struck out former subsec. (e) which read as follows: "If, in a community served by a Head Start program, there is no applicant

qualified for designation as a Head Start agency to carry out such program, the Secretary may appoint an interim grantee to carry out such program until a qualified applicant is so designated."

Subsec. (g). Pub. L. 105–285, Sec. 107(6), added subsec. (g).

1994 – Subsec. (b). Pub. L. 103–252, Sec. 107(a), inserted

"(including Indians in any area designated by the Bureau of Indian Affairs as near–reservation)" after "Indian reservation".

Subsec. (c)(1). Pub. L. 103–252, Sec. 107(b)(2), (3), (5),

inserted "(subject to paragraph (2))" after "the provisions of this section", struck out subpar. (A), inserted "the Secretary makes a finding that the agency involved fails to meet program, financial management, and other requirements established by the Secretary."

after "unless", and redesignated subpar. (B) as par. (2) and concluding provisions as par. (3).

Subsec. (c)(2). Pub. L. 103–252, Sec. 107(b)(1), (3), (4), (6),

redesignated par. (1)(B) as (2) and realigned margins, substituted "If" for "except that, if" and "paragraph (1)" for "subparagraph (A)", and struck out former par. (2) which read as follows:

"(2)(A) The Secretary shall conduct a full review of each designated Head Start agency at least once during each 3–year period, and shall determine whether each agency meets program and fiscal requirements established by the Secretary.

"(B) The Secretary shall conduct a review of each newly designated Head Start agency immediately after the completion of the first year such agency carries out a Head Start program.

"(C) The Secretary shall conduct followup reviews of Head Start

agencies when appropriate."

Subsec. (c)(3). Pub. L. 103–252, Sec. 107(b)(1), (5),

redesignated concluding provisions of par. (1) as (3), substituted

"this subsection" for "this paragraph", and struck out former par.

(3) which read as follows: "In carrying out a review of each Head

Start agency under paragraph (2), the Secretary shall –

"(A) to the maximum extent practicable, carry out such review

by using employees of the Department of Health and Human Services

who are knowledgeable about Head Start programs;

"(B) ensure that an employee of the Department of Health and

Human Services who is knowledgeable about Head Start programs

supervises such review at the site of such agency;

"(C) measure the compliance of the programs of such agency with

the performance standards in effect under section 9846(b) of this

title; and

"(D) identify the types and conditions of facilities in which

such programs are located."

Subsec. (c)(4). Pub. L. 103–252, Sec. 107(b)(1), struck out par.

(4) which read as follows: "The results of a review conducted under

this subsection shall not be sufficient alone for the purpose of

determining whether to continue, or to discontinue, providing funds

to a particular Head Start agency."

Subsec. (d). Pub. L. 103–252, Sec. 107(c)(1)–(3)(A), in

introductory provisions substituted "If no entity in a community is

entitled to the priority specified in subsection (c) of this

section," for "If there is no Head Start agency as described in

subsection (c)(2) of this section, and no existing Head Start program serving a community," and struck out "Any such designation shall be governed by the program and fiscal requirements, criteria, and standards applicable on September 1, 1983, to then existing Head Start agencies." after first sentence and "subject to the preceding sentence" after "as a Head Start agency".

Subsec. (d)(3). Pub. L. 103–252, Sec. 107(c)(3)(B), inserted ", including Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)," after "preschool programs".

Subsec. (d)(4). Pub. L. 103–252, Sec. 107(c)(3)(C), amended par. (4) generally. Prior to amendment, par. (4) read as follows: "the plan of such applicant to involve parents of children who will participate in the proposed Head Start program in appropriate educational services (in accordance with the performance standards in effect under section 9846(b) of this title or through referral of such parents to educational services available in the community) in order to aid their children to attain their full potential;".

Subsec. (d)(7). Pub. L. 103–252, Sec. 107(c)(4), substituted "non–English language background children and their families" for "non–English language children" and inserted "and" after semicolon.

Subsec. (d)(8), (9). Pub. L. 103–252, Sec. 107(c)(5), (6), redesignated par. (9) as (8) and struck out former par. (8) which read as follows: "the plan of such applicant to provide (directly or through referral to educational services available in the community) parents of children who will participate in the proposed

Head Start program with child development and literacy skills training in order to aid their children to attain their full potential; and".

Subsecs. (f), (g). Pub. L. 103–252, Sec. 107(d), redesignated subsec. (g) as (f) and struck out former subsec. (f) which read as follows: "The provisions of subsections (c), (d), and (e) of this section shall be applied by the Secretary in the distribution of any additional appropriations made available under this subchapter during any fiscal year as well as to initial designations of Head Start agencies."

1992 – Subsec. (c)(1). Pub. L. 102–401, Sec. 2(e)(1), inserted at end "Notwithstanding any other provision of this paragraph, the Secretary shall not give such priority to any agency with respect to which financial assistance has been terminated, or an application for refunding has been denied, under this subchapter by the Secretary after affording such agency reasonable notice and opportunity for a full and fair hearing in accordance with section 9841(a)(3) of this title."

Subsec. (c)(2). Pub. L. 102–401, Sec. 2(f), designated existing provisions as subpar. (A) and added subpars. (B) and (C).

Subsec. (d)(8), (9). Pub. L. 102–401, Sec. 2(g), added pars. (8) and (9).

Subsec. (e). Pub. L. 102–401, Sec. 2(h)(3), added subsec. (e).

Former subsec. (e) redesignated (f).

Pub. L. 102–401, Sec. 2(h)(1), substituted "(c), (d), and (e)" for "(c) and (d)".

Subsecs. (f), (g). Pub. L. 102–401, Sec. 2(h)(2), redesignated subsecs. (e) and (f) as (f) and (g), respectively.

1990 – Subsec. (c). Pub. L. 101–501, Sec. 107, designated existing provisions as par. (1), redesignated former par. (1) as subpar. (A), added subpar. (B) and pars. (2) to (4), and struck out former par. (2) and last sentence which read as follows:

"(2) except that if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the Secretary shall give priority in the designation of Head Start agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds in the fiscal year preceding the fiscal year for which the determination is made.

The provisions of clause (2) shall apply only to agencies actually operating Head Start programs."

Subsec. (d). Pub. L. 101–501, Sec. 108, inserted at end "In selecting from among qualified applicants for designation as a Head Start agency and subject to the preceding sentence, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on – " and pars. (1) to (7).

1984 – Subsec. (a). Pub. L. 98–558, Sec. 104(a), inserted ", within a community," after "private nonprofit agency".

Subsec. (c). Pub. L. 98–558, Sec. 104(b)(1), substituted "unless" for ", except that" in provisions preceding cl. (1).

Subsec. (c)(1). Pub. L. 98–558, Sec. 104(b)(2), (3), substituted "makes a finding" for "shall, before giving such priority,

determine" and "fails to meet" for "meet".

Subsec. (c)(2). Pub. L. 98-558, Sec. 104(b)(4), inserted "except that" before "if".

Subsecs. (d) to (f). Pub. L. 98-558, Sec. 104(c), added subsecs.

(d) and (e) and redesignated former subsec. (d) as (f).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-252 effective May 18, 1994, but not applicable to Head Start agencies and other recipients of financial assistance under the Head Start Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103-252, set out as a note under section 9832 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 2(e)(2) of Pub. L. 102-401 provided that: "The amendment made by paragraph (1) [amending this section] shall apply only with respect to terminations of financial assistance, and denials of refunding, occurring after July 29, 1992."

Amendment by section 2(f)-(h) of Pub. L. 102-401 effective Oct. 7, 1992, but not applicable with respect to fiscal years beginning before Oct. 1, 1992, and amendment by section 2(e)(1) of Pub. L. 102-401 effective July 30, 1992, see section 4 of Pub. L. 102-401, set out as a note under section 9835 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9833, 9836a, 9841, 9846 of this title; title 20 section 6312.

–FOOTNOTE–

(1) See References in Text note below.

–End–

–CITE–

42 USC Sec. 9836a 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

Sec. 9836a. Quality standards; monitoring of Head Start agencies and programs

–STATUTE–

(a) Quality standards

(1) Establishment of standards

The Secretary shall establish by regulation standards, including minimum levels of overall accomplishment, applicable to Head Start agencies, programs, and projects under this subchapter, including –

(A) performance standards with respect to services required to be provided, including health, parental involvement, nutritional, social, transition activities described in section 9837(d) of this title, and other services;

(B)(i) education performance standards to ensure the school readiness of children participating in a Head Start program, on completion of the Head Start program and prior to entering school; and

(ii) additional education performance standards to ensure that the children participating in the program, at a minimum –

(I) develop phonemic, print, and numeracy awareness;

(II) understand and use language to communicate for various purposes;

(III) understand and use increasingly complex and varied vocabulary;

(IV) develop and demonstrate an appreciation of books; and

(V) in the case of non–English background children, progress toward acquisition of the English language.(11)

(C) administrative and financial management standards;

(D) standards relating to the condition and location of facilities for such agencies, programs, and projects; and

(E) such other standards as the Secretary finds to be appropriate.

(2) Considerations in developing standards

In developing the regulations required under paragraph (1), the Secretary shall –

(A) consult with experts in the fields of child development, early childhood education, child health care, family services (including linguistically and culturally appropriate services to non–English language background children and their

families), administration, and financial management, and with persons with experience in the operation of Head Start programs;

(B) take into consideration –

- (i) past experience with use of the standards in effect under this subchapter on May 18, 1994;
 - (ii) changes over the period since August 31, 1981, in the circumstances and problems typically facing children and families served by Head Start agencies;
 - (iii) developments concerning best practices with respect to early childhood education and development, children with disabilities, family services, program administration, and financial management;
 - (iv) projected needs of an expanding Head Start program;
 - (v) guidelines and standards currently in effect or under consideration that promote child health services, and projected needs of expanding Head Start programs;
 - (vi) changes in the population of children who are eligible to participate in Head Start programs, including the language background and family structure of such children; and
 - (vii) the need for, and state-of-the-art developments relating to, local policies and activities designed to ensure that children participating in Head Start programs make a successful transition to public schools; and
- (C)(i) review and revise as necessary the performance standards in effect under this subsection; and

(ii) ensure that any such revisions in the performance standards will not result in the elimination of or any reduction in the scope or types of health, education, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on October 27, 1998.

(3) Standards relating to obligations to delegate agencies

In developing standards under this subsection, the Secretary shall describe the obligations of a Head Start agency to a delegate agency to which the Head Start agency has delegated responsibility for providing services under this subchapter and determine whether the Head Start agency complies with the standards. The Secretary shall consider such compliance during the review described in subsection (c)(1)(A) of this section and in determining whether to renew financial assistance to the Head Start agency under this subchapter.

(b) Results-based performance measures

(1) In general

The Secretary, in consultation with representatives of Head Start agencies and with experts in the fields of early childhood education and development, family services, and program management, shall develop methods and procedures for measuring, annually and over longer periods, the quality and effectiveness of programs operated by Head Start agencies, and the impact of the services provided through the programs to children and their families (referred to in this subchapter as "results-based

performance measures").

(2) Characteristics of measures

The performance measures developed under this subsection shall

–

(A) be used to assess the impact of the various services provided by Head Start programs and, to the extent the Secretary finds appropriate, administrative and financial management practices of such programs;

(B) be adaptable for use in self–assessment, peer review, and program evaluation of individual Head Start agencies and programs, not later than July 1, 1999; and

(C) be developed for other program purposes as determined by the Secretary.

The performance measures shall include the performance standards described in subsection (a)(1)(B)(ii) of this section.

(3) Use of measures

The Secretary shall use the performance measures developed pursuant to this subsection –

(A) to identify strengths and weaknesses in the operation of Head Start programs nationally, regionally, and locally; and

(B) to identify problem areas that may require additional training and technical assistance resources.

(4) Educational performance measures

Such results–based performance measures shall include educational performance measures that ensure that children participating in Head Start programs –

- (A) know that letters of the alphabet are a special category of visual graphics that can be individually named;
- (B) recognize a word as a unit of print;
- (C) identify at least 10 letters of the alphabet; and
- (D) associate sounds with written words.

(5) Additional local results–based performance measures

In addition to other applicable results–based performance measures, Head Start agencies may establish local results–based educational performance measures.

(c) Monitoring of local agencies and programs

(1) In general

In order to determine whether Head Start agencies meet standards established under this subchapter and results–based performance measures developed by the Secretary under subsection (b) of this section with respect to program, administrative, financial management, and other requirements, the Secretary shall conduct the following reviews of designated Head Start agencies, and of the Head Start programs operated by such agencies:

- (A) A full review of each such agency at least once during each 3–year period.
- (B) A review of each newly designated agency immediately after the completion of the first year such agency carries out a Head Start program.
- (C) Followup reviews including prompt return visits to agencies and programs that fail to meet the standards.
- (D) Other reviews as appropriate.

(2) Conduct of reviews

The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1) –

(A) are performed, to the maximum extent practicable, by employees of the Department of Health and Human Services who are knowledgeable about Head Start programs;

(B) are supervised by such an employee at the site of such Head Start agency;

(C) are conducted by review teams that shall include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities) and their families;

(D) include as part of the reviews of the programs, a review and assessment of program effectiveness, as measured in accordance with the results–based performance measures developed by the Secretary pursuant to subsection (b) of this section and with the performance standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1) of this section; and

(E) seek information from the communities and the States involved about the performance of the programs and the efforts of the Head Start agencies to collaborate with other entities carrying out early childhood education and child care programs in the community.

(d) Corrective action; termination

(1) Determination

If the Secretary determines, on the basis of a review pursuant to subsection (c) of this section, that a Head Start agency designated pursuant to section 9836 of this title fails to meet the standards described in subsection (a) of this section or results-based performance measures developed by the Secretary under subsection (b) of this section, the Secretary shall –

(A) inform the agency of the deficiencies that shall be corrected;

(B) with respect to each identified deficiency, require the agency –

(i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;

(ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or

(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply with the requirements of paragraph (2) concerning a quality improvement plan; and

(C) initiate proceedings to terminate the designation of the

agency unless the agency corrects the deficiency.

(2) Quality improvement plan

(A) Agency responsibilities

In order to retain a designation as a Head Start agency under this subchapter, a Head Start agency that is the subject of a determination described in paragraph (1) (other than an agency required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall –

(i) develop in a timely manner, obtain the approval of the Secretary regarding, and implement a quality improvement plan that specifies –

(I) the deficiencies to be corrected;

(II) the actions to be taken to correct such deficiencies; and

(III) the timetable for accomplishment of the corrective actions specified; and

(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency received notice of the determination and of the specific deficiency to be corrected).

(B) Secretarial responsibility

Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan

cannot be approved.

(3) Training and technical assistance

The Secretary shall provide training and technical assistance to Head Start agencies with respect to the development or implementation of such quality improvement plans to the extent the Secretary finds such provision to be feasible and appropriate given available funding and other statutory responsibilities.

(e) Summaries of monitoring outcomes

Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) of this section and on the outcomes of quality improvement plans implemented under subsection (d) of this section, during such fiscal year. Such report shall be widely disseminated and available for public review in both written and electronic formats.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 641A, as added Pub. L. 103–252, title I, Sec. 108, May 18, 1994, 108 Stat. 631; amended Pub. L. 105–285, title I, Sec. 108, Oct. 27, 1998, 112 Stat. 2713.)

–MISC1–

AMENDMENTS

1998 – Subsec. (a)(1). Pub. L. 105–285, Sec. 108(a)(1)(A), inserted ", including minimum levels of overall accomplishment," after "regulation standards" in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 105–285, Sec. 108(a)(1)(B), struck out "education," after "including health,".

Subsec. (a)(1)(B) to (E). Pub. L. 105–285, Sec. 108(a)(1)(C), (D), added subpar. (B) and redesignated former subpars. (B) to (D) as (C) to (E), respectively.

Subsec. (a)(2). Pub. L. 105–285, Sec. 108(a)(2), (3), redesignated par. (3) as (2) and struck out heading and text of former par. (2). Text read as follows: "The regulations promulgated under this subsection shall establish the minimum levels of overall accomplishment that a Head Start agency shall achieve in order to meet the standards specified in paragraph (1)."

Subsec. (a)(2)(B)(iii). Pub. L. 105–285, Sec. 108(a)(4)(A), substituted "early childhood education and" for "child".

Subsec. (a)(2)(C)(i). Pub. L. 105–285, Sec. 108(a)(4)(B)(i), struck out "not later than 1 year after May 18, 1994," before "review" and substituted "this subsection; and" for "section 9846(b) of this title on the day before May 18, 1994; and".

Subsec. (a)(2)(C)(ii). Pub. L. 105–285, Sec. 108(a)(4)(B)(ii), substituted "October 27, 1998" for "November 2, 1978".

Subsec. (a)(3). Pub. L. 105–285, Sec. 108(a)(5), substituted "to a delegate agency" for "to an agency (referred to in this subchapter as the 'delegate agency')".

Pub. L. 105–285, Sec. 108(a)(3), redesignated par. (4) as (3). Former par. (3) redesignated (2).

Subsec. (a)(4). Pub. L. 105–285, Sec. 108(a)(3), redesignated par. (4) as (3).

Subsec. (b). Pub. L. 105–285, Sec. 108(b)(1), inserted "Results-based" in heading.

Subsec. (b)(1). Pub. L. 105–285, Sec. 108(b)(2), substituted "The Secretary" for "Not later than 1 year after May 18, 1994, the Secretary", "early childhood education and" for "child", and "results–based performance measures" for "performance measures" and inserted ", and the impact of the services provided through the programs to children and their families" before "(referred)".

Subsec. (b)(2). Pub. L. 105–285, Sec. 108(b)(3)(A), (B), (F), substituted "Characteristics" for "Design" in heading and "shall –" for "shall be designed –" in introductory provisions and inserted concluding provisions.

Subsec. (b)(2)(A). Pub. L. 105–285, Sec. 108(b)(3)(C), substituted "be used to assess the impact of" for "to assess".

Subsec. (b)(2)(B). Pub. L. 105–285, Sec. 108(b)(3)(D), substituted "be adaptable" for "to be adaptable" and ", peer review, and program evaluation" for "and peer review" and inserted ", not later than July 1, 1999" before semicolon.

Subsec. (b)(2)(C). Pub. L. 105–285, Sec. 108(b)(3)(E), inserted "be developed" before "for other".

Subsec. (b)(3)(A). Pub. L. 105–285, Sec. 108(b)(4), substituted ", regionally, and locally" for "and by region".

Subsec. (b)(4), (5). Pub. L. 105–285, Sec. 108(b)(5), added pars. (4) and (5).

Subsec. (c)(1). Pub. L. 105–285, Sec. 108(c)(1), inserted "and results–based performance measures developed by the Secretary under subsection (b) of this section" after "standards established under this subchapter".

Subsec. (c)(2)(B). Pub. L. 105–285, Sec. 108(c)(2)(A), struck out "and" at end.

Subsec. (c)(2)(C). Pub. L. 105–285, Sec. 108(c)(2)(B), inserted "(including children with disabilities)" after "eligible children" and substituted semicolon for period at end.

Subsec. (c)(2)(D), (E). Pub. L. 105–285, Sec. 108(c)(2)(C), added subpars. (D) and (E).

Subsec. (d)(1). Pub. L. 105–285, Sec. 108(d)(1)(A), inserted "or results–based performance measures developed by the Secretary under subsection (b) of this section" after "subsection (a) of this section" in introductory provisions.

Subsec. (d)(1)(B). Pub. L. 105–285, Sec. 108(d)(1)(B), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "with respect to each identified deficiency, require the agency –

"(i) to correct the deficiency immediately; or

"(ii) at the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply with the requirements of paragraph (2) concerning a quality improvement plan; and".

Subsec. (d)(2)(A). Pub. L. 105–285, Sec. 108(d)(2), substituted "required to correct a deficiency immediately or during a 90–day period under clause (i) or (ii) of paragraph (1)(B)" for "able to correct a deficiency immediately" in introductory provisions.

Subsec. (e). Pub. L. 105–285, Sec. 108(e), inserted at end "Such

report shall be widely disseminated and available for public review in both written and electronic formats."

EFFECTIVE DATE

Section effective May 18, 1994, but not applicable to Head Start agencies and other recipients of financial assistance under the Head Start Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103-252, set out as an Effective Date of 1994 Amendment note under section 9832 of this title.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9835, 9836, 9841, 9843, 9846 of this title; title 20 section 6312.

–FOOTNOTE–

(!1) So in original. The period should probably be a semicolon.

–End–

–CITE–

42 USC Sec. 9837 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

Sec. 9837. Powers and functions of Head Start agencies

–STATUTE–

(a) Receipt, administration, and transfer of funds; sponsorship of projects; delegation of authority, etc.

In order to be designated as a Head Start agency under this subchapter, an agency must have authority under its charter or applicable law to receive and administer funds under this subchapter, funds and contributions from private or local public sources which may be used in support of a Head Start program, and funds under any Federal or State assistance program pursuant to which a public or private nonprofit or for-profit agency (as the case may be) organized in accordance with this subchapter, could act as grantee, contractor, or sponsor of projects appropriate for inclusion in a Head Start program. Such an agency must also be empowered to transfer funds so received, and to delegate powers to other agencies, subject to the powers of its governing board and its overall program responsibilities. The power to transfer funds and delegate powers must include the power to make transfers and delegations covering component projects in all cases where this will contribute to efficiency and effectiveness or otherwise further program objectives.

(b) Participation of parents in decisionmaking, implementation, etc.

In order to be so designated, a Head Start agency shall also –

(1) establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests;

(2) provide for their regular participation in the implementation of such programs;

- (3) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources;
- (4) seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;
- (5) offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (!1) (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training;
- (6) offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug–exposed infants and fetal alcohol syndrome;
- (7) at the option of such agency, offer (directly or through referral to local entities), to such parents –
 - (A) training in basic child development;
 - (B) assistance in developing communication skills;
 - (C) opportunities to share experiences with other parents;
 - (D) regular in–home visitation; or
 - (E) any other activity designed to help such parents become full partners in the education of their children;

(8) provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in paragraphs (4) through (7) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities);

(9) consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources;

(10) perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers; and

(11)(A) inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

(B) refer eligible parents to the child support offices of State and local governments.

(c) Coordination with other agencies

The head of each Head Start agency shall coordinate and collaborate with the State agency responsible for administering the State program carried out under subchapter II–B of this chapter, and other early childhood education and development programs, including Even Start programs under part B of chapter 1 of title I

of the Elementary and Secondary Education Act of 1965 (!1) (20 U.S.C. 2741 et seq.) and programs under part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1445, 1419), serving the children and families served by the Head Start agency to carry out the provisions of this subchapter.

(d) Transition coordination with schools

(1) Each Head Start agency shall take steps to ensure, to the maximum extent possible, that children maintain the developmental and educational gains achieved in Head Start programs and build upon such gains in further schooling.

(2) A Head Start agency may take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including –

(A) collaborating on the shared use of transportation and facilities; and

(B) exchanging information on the provision of noneducational services to such children.

(3) In order to promote the continued involvement of the parents of children that participate in Head Start programs in the education of their children upon transition to school, the Head Start agency shall –

(A) provide training to the parents –

(i) to inform the parents about their rights and responsibilities concerning the education of their children;

and

(ii) to enable the parents to understand and work with schools in order to communicate with teachers and other school personnel, to support the school work of their children, and to participate as appropriate in decisions relating to the education of their children; and

(B) take other actions, as appropriate and feasible, to support the active involvement of the parents with schools, school personnel, and school–related organizations.

(4) The Secretary, in cooperation with the Secretary of Education, shall –

(A) evaluate the effectiveness of the projects and activities funded under section 9837a of this title;

(B) disseminate to Head Start agencies information (including information from the evaluation required by subparagraph (A)) on effective policies and activities relating to the transition of children from Head Start programs to public schools; and

(C) provide technical assistance to such agencies to promote and assist such agencies to adopt and implement such effective policies and activities.

(e) Assessment when hiring or evaluating classroom teachers
Head Start agencies shall adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center–based Head Start program. Such assessment shall measure whether such teacher has mastered the functions described in

section 9843a(a)(1) of this title.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 642, Aug. 13, 1981, 95 Stat. 502;
Pub. L. 99–425, title I, Sec. 103, Sept. 30, 1986, 100 Stat. 966;
Pub. L. 101–501, title I, Sec. 109, Nov. 3, 1990, 104 Stat. 1231;
Pub. L. 102–401, Sec. 2(i), (k)(3), Oct. 7, 1992, 106 Stat. 1957,
1959; Pub. L. 103–252, title I, Sec. 109, May 18, 1994, 108 Stat.
634; Pub. L. 105–285, title I, Sec. 109, Oct. 27, 1998, 112 Stat.
2716.)

–REFTEXT–

REFERENCES IN TEXT

Part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, referred to in subsecs. (b)(5) and (c), means part B of chapter 1 of title I of Pub. L. 89–10 which was classified generally to part B (Sec. 2741 et seq.) of division 1 of subchapter I of chapter 47 of Title 20, Education, prior to being omitted in the general amendment of Pub. L. 89–10 by Pub. L. 103–382, title I, Sec. 101, Oct. 20, 1994, 108 Stat. 3519. See section 6381 et seq. of Title 20.

The Individuals with Disabilities Education Act, referred to in subsec. (c), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended. Part C of the Act is classified generally to subchapter III (Sec. 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.

–MISC1–

AMENDMENTS

1998 – Subsec. (a). Pub. L. 105–285, Sec. 109(1), inserted "or for-profit" after "nonprofit".

Subsec. (b)(6). Pub. L. 105–285, Sec. 109(2)(E), added par. (6).

Former par. (6) redesignated (7).

Subsec. (b)(6)(D) to (F). Pub. L. 105–285, Sec. 109(2)(A), struck out subpar. (D) which read as follows: "substance abuse counseling;" and further directed the amendment of par. (6) "by redesignating subparagraphs (E) and (F) and subparagraphs (D) and (E), respectively", which was executed by redesignating subpars. (E) and (F) as (D) and (E), respectively, to reflect the probable intent of Congress.

Subsec. (b)(7). Pub. L. 105–285, Sec. 109(2)(D), redesignated par. (6) as (7). Former par. (7) redesignated (8).

Subsec. (b)(8). Pub. L. 105–285, Sec. 109(2)(D), (F), redesignated par. (7) as (8) and substituted "paragraphs (4) through (7)" for "paragraphs (4) through (6)". Former par. (8) redesignated (9).

Pub. L. 105–285, Sec. 109(2)(B), struck out "and" at end.

Subsec. (b)(9). Pub. L. 105–285, Sec. 109(2)(D), redesignated par. (8) as (9). Former par. (9) redesignated (10).

Pub. L. 105–285, Sec. 109(2)(C), substituted "; and" for period at end.

Subsec. (b)(10). Pub. L. 105–285, Sec. 109(2)(D), redesignated par. (9) as (10).

Subsec. (b)(11). Pub. L. 105–285, Sec. 109(2)(G), added par.

(11).

Subsec. (c). Pub. L. 105–285, Sec. 109(3), inserted "and collaborate" after "shall coordinate" and "and programs under part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1445, 1419)" after "(20 U.S.C. 2741 et seq.)" and substituted "the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development" for "section 602(g) of this title, and other".

Subsec. (d)(1). Pub. L. 105–285, Sec. 109(4)(A), substituted "take steps to ensure, to the maximum extent possible, that children maintain" for "carry out the actions specified in this subsection, to the extent feasible and appropriate in the circumstances (including the extent to which such agency is able to secure the cooperation of parents and schools) to enable children to maintain" and "build" for "to build" and inserted "and educational" after "developmental".

Subsec. (d)(2), (3). Pub. L. 105–285, Sec. 109(4)(B), (C), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which related to coordination between Head Start agency and local education agency and schools.

Subsec. (d)(4). Pub. L. 105–285, Sec. 109(4)(C), redesignated par. (5) as (4). Former par. (4) redesignated (3).

Subsec. (d)(4)(A). Pub. L. 105–285, Sec. 109(4)(D), substituted "section 9837a of this title" for "the Head Start Transition

Project Act (42 U.S.C. 9855 et seq.)".

Subsec. (d)(5). Pub. L. 105–285, Sec. 109(4)(C), redesignated par. (5) as (4).

Subsec. (e). Pub. L. 105–285, Sec. 109(5), added subsec. (e).

1994 – Subsec. (b). Pub. L. 103–252, Sec. 109(1), amended subsec.

(b) generally. Prior to amendment, subsec. (b) read as follows: "In order to be so designated, a Head Start agency must also (1)

establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that

influence the character of programs affecting their interests; (2)

provide for their regular participation in the implementation of

such programs; (3) provide technical and other support needed to

enable parents and area residents to secure on their own behalf

available assistance from public and private sources; (4) involve

parents of children participating in its Head Start program in

appropriate educational services (in accordance with the

performance standards in effect upon section 9846(b) of this title

or through referral of such parents to educational services

available in the community) in order to aid their children to

attain their full potential; (5) establish procedures to seek

reimbursement, to the extent feasible, from other agencies for

services for which any such other agency is responsible, which are

provided to a Head Start participant by the Head Start agency; (6)

provide (directly or through referral to educational services

available in the community) parents of children participating in

its Head Start program with child development and literacy skills

training in order to aid their children to attain their full potential; and (7) consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources."

Subsec. (c). Pub. L. 103–252, Sec. 109(2), struck out "schools that will subsequently serve children in Head Start programs," after "coordinate with" and inserted ", including Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)," after "other programs".

Subsec. (d). Pub. L. 103–252, Sec. 109(3), added subsec. (d).
1992 – Subsec. (b)(6), (7). Pub. L. 102–401, Sec. 2(i), added cls. (6) and (7).

Subsec. (c). Pub. L. 102–401, Sec. 2(k)(3), substituted "subchapter" for "subtitle".

1990 – Subsec. (b)(4), (5). Pub. L. 101–501, Sec. 109(1), added cl. (4) and redesignated former cl. (4) as (5).

Subsec. (c). Pub. L. 101–501, Sec. 109(2), substituted "with schools that will subsequently serve children in Head Start programs, the State agency responsible for administering section 602(g) of this title, and other programs serving the children and families served by the Head Start agency to carry out the provisions of this subtitle" for "with other State and local programs serving the children in the Head Start agency to carry out the provisions of this subsection".

1986 – Subsec. (c). Pub. L. 99–425 inserted "State and local"

before "programs".

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–252 effective May 18, 1994, but not applicable to Head Start agencies and other recipients of financial assistance under the Head Start Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103–252, set out as a note under section 9832 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

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.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101–501, set out as a note under section 8621 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–425 effective Oct. 1, 1986, see section 1001 of Pub. L. 99–425, set out as a note under section 8621 of this title.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9836, 9836a of this title.

–FOOTNOTE–

(!1) See References in Text note below.

–End–

–CITE–

42 USC Sec. 9837a 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

Sec. 9837a. Head Start transition

–STATUTE–

Each Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including –

(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

(2) establishing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, and health staff) to facilitate coordination of programs;

(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the educational, developmental, and other needs of

individual children;

(4) organizing and participating in joint transition–related training of school staff and Head Start staff;

(5) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(6) assisting families, administrators, and teachers in enhancing educational and developmental continuity between Head Start services and elementary school classes; and

(7) linking the services provided in such Head Start program with the education services provided by such local educational agency.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 642A, as added Pub. L. 105–285, title I, Sec. 110, Oct. 27, 1998, 112 Stat. 2717.)

–REFTEXT–

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in par. (5), is Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, as amended. Title I of the Act is classified generally to subchapter I (Sec. 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.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9834, 9837 of this title.

–End–

–CITE–

42 USC Sec. 9838 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

Sec. 9838. Submission of plans to chief executive officer

–STATUTE–

In carrying out the provisions of this subchapter, no contract, agreement, grant, or other assistance shall be made for the purpose of carrying out a Head Start program within a State unless a plan setting forth such proposed contract, agreement, grant, or other assistance has been submitted to the chief executive officer of the State, and such plan has not been disapproved by such officer within 45 days of such submission, or, if disapproved (for reasons other than failure of the program to comply with State health, safety, and child care laws, including regulations applicable to comparable child care programs in the State), has been reconsidered by the Secretary and found by the Secretary to be fully consistent with the provisions and in furtherance of the purposes of this subchapter, as evidenced by a written statement of the Secretary's findings that is transmitted to such officer. Funds to cover the costs of the proposed contract, agreement, grant, or other

assistance shall be obligated from the appropriation which is current at the time the plan is submitted to such officer. This section shall not, however, apply to contracts, agreements, grants, loans, or other assistance to any institution of higher education in existence on August 13, 1981.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 643, Aug. 13, 1981, 95 Stat. 502; Pub. L. 101–501, title I, Sec. 110, Nov. 3, 1990, 104 Stat. 1231; Pub. L. 102–401, Sec. 2(k)(4), Oct. 7, 1992, 106 Stat. 1959; Pub. L. 105–285, title I, Sec. 111, Oct. 27, 1998, 112 Stat. 2718.)

–MISC1–

AMENDMENTS

1998 – Pub. L. 105–285, in first sentence, substituted "45 days" for "30 days" and "disapproved (for reasons other than failure of the program to comply with State health, safety, and child care laws, including regulations applicable to comparable child care programs in the State)" for "so disapproved" and inserted ", as evidenced by a written statement of the Secretary's findings that is transmitted to such officer" before period.

1992 – Pub. L. 102–401 substituted "such officer" for "the such officer" in two places.

1990 – Pub. L. 101–501 substituted "chief executive officer" for first reference to "Governor" and "such officer" for second and third references to "Governor".

EFFECTIVE DATE OF 1992 AMENDMENT

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.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101–501, set out as a note under section 8621 of this title.

–End–

–CITE–

42 USC Sec. 9839 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

Sec. 9839. Administrative requirements and standards

–STATUTE–

(a) Employment practices, nonpartisanship, staff accountability, public access to information, etc.

Each Head Start agency shall observe standards of organization, management, and administration which will assure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the purposes of this subchapter and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias or personal or family favoritism. Each such agency shall establish or adopt rules to

carry out this section, which shall include rules to assure full staff accountability in matters governed by law, regulations, or agency policy. Each agency shall also provide for reasonable public access to information, including public hearings at the request of appropriate community groups and reasonable public access to books and records of the agency or other agencies engaged in program activities or operations involving the use of authority or funds for which it is responsible. Each such agency shall adopt for itself and other agencies using funds or exercising authority for which it is responsible, rules designed to (1) establish specific standards governing salaries, salary increases, travel and per diem allowances, and other employee benefits; (2) assure that only persons capable of discharging their duties with competence and integrity are employed and that employees are promoted or advanced under impartial procedures calculated to improve agency performance and effectiveness; (3) guard against personal or financial conflicts of interest; and (4) define employee duties in an appropriate manner which will in any case preclude employees from participating, in connection with the performance of their duties, in any form of picketing, protest, or other direct action which is in violation of law.

(b) Development and administrative costs of programs

Except as provided in subsection (f) of this section, no financial assistance shall be extended under this subchapter in any case in which the Secretary determines that the costs of developing and administering a program assisted under this subchapter exceed

15 percent of the total costs, including the required non-Federal contributions to such costs, of such program. The Secretary shall establish by regulation, criteria for determining (1) the costs of developing and administering such program; and (2) the total costs of such program. In any case in which the Secretary determines that the cost of administering such program does not exceed 15 percent of such total costs but is, in the judgment of the Secretary, excessive, the Secretary shall forthwith require the recipient of such financial assistance to take such steps prescribed by the Secretary as will eliminate such excessive administrative cost, including the sharing by one or more Head Start agencies of a common director and other administrative personnel. The Secretary may waive the limitation prescribed by this subsection for specific periods of time not to exceed 12 months whenever the Secretary determines that such a waiver is necessary in order to carry out the purposes of this subchapter.

(c) Rules and regulations; special or simplified requirements for small agencies; common or joint use of facilities

The Secretary shall prescribe rules or regulations to supplement subsections (a) and (f) of this section, which shall be binding on all agencies carrying on Head Start program activities with financial assistance under this subchapter. The Secretary may, where appropriate, establish special or simplified requirements for smaller agencies or agencies operating in rural areas. Policies and procedures shall be established to ensure that indirect costs attributable to the common or joint use of facilities and services

by programs assisted under this subchapter and other programs shall be fairly allocated among the various programs which utilize such facilities and services.

(d) Publication and notification of proposed rules, etc.

At least 30 days prior to their effective date, all rules, regulations, and application forms shall be published in the Federal Register and shall be sent to each grantee with the notification that each such grantee has the right to submit comments pertaining thereto to the Secretary prior to the final adoption thereof.

(e) Neutrality concerning union organizing

Funds appropriated to carry out this subchapter shall not be used to assist, promote, or deter union organizing.

(f) Purchase of facility; approval requirements; financial assistance

(1) The Secretary shall establish uniform procedures for Head Start agencies to request approval to purchase facilities, or to request approval of the purchase (after December 31, 1986) of facilities, to be used to carry out Head Start programs. The Secretary shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of such facilities.

(2) Financial assistance provided under this subchapter may not be used by a Head Start agency to purchase a facility (including paying the cost of amortizing the principal, and paying interest on, loans) to be used to carry out a Head Start program unless the Secretary approves a request that is submitted by such agency and contains –

(A) a description of the site of the facility proposed to be purchased or that was previously purchased;

(B) the plans and specifications of such facility;

(C) information demonstrating that –

(i) the proposed purchase will result, or the previous purchase has resulted, in savings when compared to the costs that would be incurred to acquire the use of an alternative facility to carry out such program; or

(ii) the lack of alternative facilities will prevent, or would have prevented, the operation of such program;

(D) in the case of a request regarding a previously purchased facility, information demonstrating that the facility will be used principally as a Head Start center, or a direct support facility for a Head Start program; and

(E) such other information and assurances as the Secretary may require.

(3) Upon a determination by the Secretary that suitable facilities are not otherwise available to Indian tribes to carry out Head Start programs, and that the lack of suitable facilities will inhibit the operation of such programs, the Secretary, in the

discretion of the Secretary, may authorize the use of financial assistance, from the amount reserved under section 9835(a)(2)(A) of this title, to make payments for the purchase of facilities owned by such tribes. The amount of such a payment for such a facility shall not exceed the fair market value of the facility.

(g) Payments for capital expenditures

(1) Upon a determination by the Secretary that suitable facilities (including public school facilities) are not otherwise available to Indian tribes, rural communities, and other low-income communities to carry out Head Start programs, that the lack of suitable facilities will inhibit the operation of such programs, and that construction of such facilities is more cost effective than purchase of available facilities or renovation, the Secretary, in the discretion of the Secretary, may authorize the use of financial assistance under this subchapter to make payments for capital expenditures related to facilities that will be used to carry out such programs. The Secretary shall establish uniform procedures for Head Start agencies to request approval for such payments, and shall promote, to the extent practicable, the collocation of Head Start programs with other programs serving low-income children and families.

(2) Such payments may be used for capital expenditures (including paying the cost of amortizing the principal, and paying interest on, loans) such as expenditures for –

(A) construction of facilities that are not in existence on the date of the determination;

(B) major renovation of facilities in existence on such date;

and

(C) purchase of vehicles used for programs conducted at the Head Start facilities.

(3) All laborers and mechanics employed by contractors or subcontractors in the construction or renovation of facilities to be used to carry out Head Start programs shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40.

(h) Personnel preferences to Indian tribe members

In all personnel actions of the American Indian Programs Branch of the Head Start Bureau of the Administration for Children and Families, the Secretary shall give the same preference to individuals who are members of an Indian tribe as the Secretary gives to a disabled veteran, as defined in section 2108(3)(C) of title 5. The Secretary shall take such additional actions as may be necessary to promote recruitment of such individuals for employment in the Administration.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 644, Aug. 13, 1981, 95 Stat. 502;

Pub. L. 101–501, title I, Secs. 111, 112, Nov. 3, 1990, 104 Stat.

1231; Pub. L. 102–401, Sec. 2(j), Oct. 7, 1992, 106 Stat. 1958;

Pub. L. 103–218, title IV, Sec. 403, Mar. 9, 1994, 108 Stat. 96;

Pub. L. 103–252, title I, Sec. 110, May 18, 1994, 108 Stat. 636;

Pub. L. 105–285, title I, Sec. 106(e), Oct. 27, 1998, 112 Stat.

2712.)

–COD–

CODIFICATION

In subsec. (g)(3), "sections 3141–3144, 3146, and 3147 of title 40" substituted for "the Act of March 3, 1931, as amended (40 U.S.C. 276a et seq., commonly known as the 'Davis–Bacon Act')" on authority of Pub. L. 107–217, Sec. 5(c), Aug. 21, 2002, 116 Stat.

1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

–MISC1–

AMENDMENTS

1998 – Subsec. (f)(2). Pub. L. 105–285 substituted "Financial assistance" for "Except as provided in section 9835(a)(3)(C)(v) of this title, financial assistance".

1994 – Subsec. (d). Pub. L. 103–252, Sec. 110(1), struck out "guidelines, instructions," after "all rules, regulations,".

Subsec. (f)(1). Pub. L. 103–218, Sec. 403(1), inserted ", or to request approval of the purchase (after December 31, 1986) of facilities," after "to purchase facilities" and inserted at end "The Secretary shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of such facilities."

Subsec. (f)(2). Pub. L. 103–252, Sec. 110(2)(A), substituted "section 9835(a)(3)(C)(v)" for "section 9835(a)(3)(A)(v)".

Subsec. (f)(2)(A). Pub. L. 103–218, Sec. 403(2)(A), inserted before semicolon at end "or that was previously purchased".

Subsec. (f)(2)(C)(i). Pub. L. 103–218, Sec. 403(2)(B)(i), inserted ", or the previous purchase has resulted," after "purchase will result".

Subsec. (f)(2)(C)(ii). Pub. L. 103–218, Sec. 403(2)(B)(ii), inserted ", or would have prevented," after "will prevent" and struck out "and" after semicolon at end.

Subsec. (f)(2)(D), (E). Pub. L. 103–218, Sec. 403(2)(C), (D), added subpar. (D) and redesignated former subpar. (D) as (E).

Subsec. (f)(3). Pub. L. 103–252, Sec. 110(2)(B), added par. (3).

Subsecs. (g), (h). Pub. L. 103–252, Sec. 110(3), added subsecs. (g) and (h).

1992 – Subsec. (b). Pub. L. 102–401, Sec. 2(j)(1), substituted "Except as provided in subsection (f) of this section, no" for "No".

Subsec. (c). Pub. L. 102–401, Sec. 2(j)(2), substituted "subsections (a) and (f) of this section" for "subsection (a) of this section".

Subsec. (f). Pub. L. 102–401, Sec. 2(j)(3), added subsec. (f).

1990 – Subsec. (b). Pub. L. 101–501, Sec. 111, inserted "the required" before "non–Federal contributions".

Subsec. (e). Pub. L. 101–501, Sec. 112, added subsec. (e).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–252 effective May 18, 1994, but not applicable to Head Start agencies and other recipients of financial assistance under the Head Start Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103–252, set out as a note under section 9832 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

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.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101–501, set out as a note under section 8621 of this title.

STUDY OF BENEFITS FOR HEAD START EMPLOYEES

Section 120 of Pub. L. 103–252 provided that:

"(a) Study. – The Secretary of Health and Human Services shall conduct a study regarding the benefits available to individuals employed by Head Start agencies under the Head Start Act (42 U.S.C. 9831 et seq.).

"(b) Report. –

"(1) Preparation. – The Secretary shall prepare a report, containing the results of the study, that –

"(A) describes the benefits, including health care benefits, family and medical leave, and retirement pension benefits, available to such individuals;

"(B) includes recommendations for increasing the access of the individuals to benefits, including access to a retirement pension program; and

"(C) addresses the feasibility of participation by such individuals in the Federal Employees' Retirement System under chapter 84 of title 5, United States Code.

"(2) Submission. – The Secretary shall submit the report to the appropriate committees of Congress."

–End–

–CITE–

42 USC Sec. 9840 01/06/03

–EXPCITE–

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 105 – COMMUNITY SERVICES PROGRAMS

SUBCHAPTER II – HEAD START PROGRAMS

–HEAD–

Sec. 9840. Participation in Head Start programs

–STATUTE–

(a) Criteria for eligibility

(1) The Secretary shall by regulation prescribe eligibility for the participation of persons in Head Start programs assisted under this subchapter. Except as provided in paragraph (2), such criteria may provide –

(A) that children from low-income families shall be eligible for participation in programs assisted under this subchapter if their families' incomes are below the poverty line, or if their

families are eligible or, in the absence of child care, would

potentially be eligible for public assistance; and

(B) pursuant to such regulations as the Secretary shall prescribe, that –

(i) programs assisted under this subchapter may include, to a reasonable extent, participation of children in the area served who would benefit from such programs but whose families do not meet the low-income criteria prescribed pursuant to subparagraph (A); and

(ii) a child who has been determined to meet the low-income criteria and who is participating in a Head Start program in a program year shall be considered to continue to meet the low-income criteria through the end of the succeeding program year.

In determining, for purposes of this paragraph, whether a child who has applied for enrollment in a Head Start program meets the low-income criteria, an entity may consider evidence of family income during the 12 months preceding the month in which the application is submitted, or during the calendar year preceding the calendar year in which the application is submitted, whichever more accurately reflects the needs of the family at the time of application.

(2) Whenever a Head Start program is operated in a community with a population of 1,000 or less individuals and –

(A) there is no other preschool program in the community;

(B) the community is located in a medically underserved area,

as designated by the Secretary pursuant to section 254c(b)(3) (1) of this title and is located in a health professional shortage area, as designated by the Secretary pursuant to section 254e(a)(1) of this title;

(C) the community is in a location which, by reason of remoteness, does not permit reasonable access to the types of services described in clauses (A) and (B); and

(D) not less than 50 percent of the families to be served in the community are eligible under the eligibility criteria established by the Secretary under paragraph (1);

the Head Start program in each such locality shall establish the criteria for eligibility, except that no child residing in such community whose family is eligible under such eligibility criteria shall, by virtue of such project's eligibility criteria, be denied an opportunity to participate in such program. During the period beginning on October 30, 1984, and ending on October 1, 1994, and unless specifically authorized in any statute of the United States enacted after October 30, 1984, the Secretary may not make any change in the method, as in effect on April 25, 1984, of calculating income used to prescribe eligibility for the participation of persons in the Head Start programs assisted under this subchapter if such change would result in any reduction in, or exclusion from, participation of persons in any of such programs.

(b) Establishment of fee schedule or charging of fees; payment by families willing and able to pay

The Secretary shall not prescribe any fee schedule or otherwise

provide for the charging of any fees for participation in Head Start programs, unless such fees are authorized by legislation hereafter enacted. Nothing in this subsection shall be construed to prevent the families of children who participate in Head Start programs and who are willing and able to pay the full cost of such participation from doing so. A Head Start agency that provides a Head Start program with full-working-day services in collaboration with other agencies or entities may collect a family copayment to support extended day services if a copayment is required in conjunction with the collaborative. The copayment charged to families receiving services through the Head Start program shall not exceed the copayment charged to families with similar incomes and circumstances who are receiving the services through participation in a program carried out by another agency or entity.

(c) Availability of more than one year of services; children eligible

Each Head Start program operated in a community shall be permitted to provide more than 1 year of Head Start services to eligible children (age 3 to compulsory school attendance) in the State. Each Head Start program operated in a community shall be permitted to recruit and accept applications for enrollment of children throughout the year.

(d) Indian tribes

(1) An Indian tribe that –

(A) operates a Head Start program;

(B) enrolls as participants in the program all children in the

community served by the tribe (including a community that is an off-reservation area, designated by an appropriate tribal government, in consultation with the Secretary) from families that meet the low-income criteria prescribed under subsection (a)(1)(A) of this section; and

(C) has the resources to enroll additional children in the community who do not meet the low-income criteria; may enroll such additional children in a Head Start program, in accordance with this subsection, if the program predominantly serves children who meet the low-income criteria.

(2) The Indian tribe shall enroll the children in the Head Start program in accordance with such requirements as the Secretary may specify by regulation promulgated after consultation with Indian tribes.

(3) In providing services through a Head Start program to such children, the Indian tribe may not use funds that the Secretary has determined, in accordance with section 9835(g)(3) of this title, are to be used for expanding Head Start programs under this subchapter.

–SOURCE–

(Pub. L. 97–35, title VI, Sec. 645, Aug. 13, 1981, 95 Stat. 504;
Pub. L. 98–558, title I, Sec. 105, Oct. 30, 1984, 98 Stat. 2879;
Pub. L. 99–425, title I, Sec. 104, Sept. 30, 1986, 100 Stat. 966;
Pub. L. 101–501, title I, Secs. 113, 114, Nov. 3, 1990, 104 Stat. 1231; Pub. L. 101–597, title IV, Sec. 401(e), Nov. 16, 1990, 104 Stat. 3035; Pub. L. 103–252, title I, Sec. 111, May 18, 1994, 108

Stat. 637; Pub. L. 105–285, title I, Sec. 112, Oct. 27, 1998, 112

Stat. 2718.)

–REFTEXT–

REFERENCES IN TEXT

Section 254c of this title, referred to in subsec. (a)(2)(B), was in the original a reference to section 330 of the Public Health Service Act, act July 1, 1944, which was omitted in the general amendment of subpart I (Sec. 254b et seq.) of part D of subchapter II of chapter 6A of this title by Pub. L. 104–299, Sec. 2, Oct. 11, 1996, 110 Stat. 3626. Sections 2 and 3(a) of Pub. L. 104–299 enacted new sections 330 and 330A of act July 1, 1944, which are classified, respectively, to sections 254b and 254c of this title.

–MISC1–

AMENDMENTS

1998 – Subsec. (a)(1). Pub. L. 105–285, Sec. 112(a), substituted "criteria may provide – " for "criteria may provide", realigned margins of subpars. (A) and (B), in subpar. (B) substituted "shall prescribe, that – " for "shall prescribe, that", inserted "(i)" before "programs assisted under this subchapter may", and substituted "subparagraph (A); and", cl. (ii), and concluding provisions for "clause (A)."

Subsec. (b). Pub. L. 105–285, Sec. 112(b), inserted at end "A Head Start agency that provides a Head Start program with full–working–day services in collaboration with other agencies or entities may collect a family copayment to support extended day services if a copayment is required in conjunction with the

collaborative. The copayment charged to families receiving services through the Head Start program shall not exceed the copayment charged to families with similar incomes and circumstances who are receiving the services through participation in a program carried out by another agency or entity."

Subsec. (c). Pub. L. 105–285, Sec. 112(c), inserted at end "Each Head Start program operated in a community shall be permitted to recruit and accept applications for enrollment of children throughout the year."

Subsec. (d)(1)(B). Pub. L. 105–285, Sec. 112(d), substituted "a community that is an off–reservation area, designated by an appropriate tribal government, in consultation with the Secretary" for "a community with a near–reservation designation, as defined by the Bureau of Indian Affairs".

1994 – Subsec. (c). Pub. L. 103–252, Sec. 111(1), substituted "shall be permitted to provide more than 1 year of Head Start services to eligible children (age 3 to compulsory school attendance) in the State." for "may provide more than one year of Head Start services to children from age 3 to the age of compulsory school attendance in the State in which the Head Start program is located. The Secretary may not issue or enforce any rule (as defined in section 551(4) of title 5) or guideline that forbids any Head Start agency to carry out a Head Start program in accordance with the authority described in the preceding sentence."

Subsec. (d). Pub. L. 103–252, Sec. 111(2), added subsec. (d).

1990 – Subsec. (a)(2). Pub. L. 101–501, Sec. 113, substituted

"1994" for "1990" in closing provisions.

Subsec. (a)(2)(B). Pub. L. 101–597 substituted "health professional shortage area" for "health manpower shortage area".

Subsec. (c). Pub. L. 101–501, Sec. 114, inserted at end "The Secretary may not issue or enforce any rule (as defined in section 551(4) of title 5) or guideline that forbids any Head Start agency to carry out a Head Start program in accordance with the authority described in the preceding sentence."

1986 – Subsec. (a)(2). Pub. L. 99–425 substituted "1990" for "1986" in closing provisions.

1984 – Subsec. (a)(2). Pub. L. 98–558, Sec. 105(a), inserted at end "During the period beginning on October 30, 1984, and ending on October 1, 1986, and unless specifically authorized in any statute of the United States enacted after October 30, 1984, the Secretary may not make any change in the method, as in effect on April 25, 1984, of calculating income used to prescribe eligibility for the participation of persons in the Head Start programs assisted under this subchapter if such change would result in any reduction in, or exclusion from, participation of persons in any of such programs."

Subsec. (c). Pub. L. 98–558, Sec. 105(b), added subsec. (c).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–252 effective May 18, 1994, but not applicable to Head Start agencies and other recipients of financial assistance under the Head Start Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103–252, set out as a note under section 9832 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101–501, set out as a note under section 8621 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–425 effective Oct. 1, 1986, see section 1001 of Pub. L. 99–425, set out as a note under section 8621 of this title.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1758, 1766, 9835, 9840a of this title.

–FOOTNOTE–

(!1) See References in Text note below.

–End–