

AMENDMENTS

2007—Pub. L. 110-134 inserted “or in” after “assigned by”.

§ 9851. Political activities**(a) State or local agency**

For purposes of chapter 15 of title 5, any agency which assumes responsibility for planning, developing, and coordinating Head Start programs and receives assistance under this subchapter shall be deemed to be a State or local agency. For purposes of clauses (1) and (2) of section 1502(a) of such title, any agency receiving assistance under this subchapter shall be deemed to be a State or local agency.

(b) Restrictions**(1) In general**

A program assisted under this subchapter, and any individual employed by, or assigned to or in, a program assisted under this subchapter (during the hours in which such individual is working on behalf of such program), shall not engage in—

(A) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office; or

(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election.

(2) Registration

No funds appropriated under this subchapter may be used to conduct voter registration activities. Nothing in this subchapter prohibits the availability of Head Start facilities during hours of operation for the use of any nonpartisan organization to increase the number of eligible citizens who register to vote in elections for Federal office.

(3) Rules and regulations

The Secretary, after consultation with the Director of the Office of Personnel Management, may issue rules and regulations to provide for the enforcement of this section, which may include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.

(Pub. L. 97-35, title VI, §656, Aug. 13, 1981, 95 Stat. 508; Pub. L. 110-134, §24, Dec. 12, 2007, 121 Stat. 1443.)

AMENDMENTS

2007—Subsec. (a). Pub. L. 110-134, §24(1), inserted heading.

Subsec. (b). Pub. L. 110-134, §24(2), added subsec. (b) and struck out former subsec. (b) which read as follows: “Programs assisted under this subchapter shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office; (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such elec-

tion; or (3) any voter registration activity. The Secretary, after consultation with the Office of Personnel Management, shall issue rules and regulations to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.”

§ 9852. Advance funding

For the purpose of affording adequate notice of funding available under this subchapter, appropriations for carrying out this subchapter are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(Pub. L. 97-35, title VI, §657, Aug. 13, 1981, 95 Stat. 508.)

§ 9852a. Parental consent requirement for non-emergency intrusive physical examinations**(a) Definition**

The term “nonemergency intrusive physical examination” means, with respect to a child, a physical examination that—

(1) is not immediately necessary to protect the health or safety of the child involved or the health or safety of another individual; and

(2) requires incision or is otherwise invasive, or involves exposure of private body parts.

(b) Requirement

A Head Start agency shall obtain written parental consent before administration of any non-emergency intrusive physical examination of a child in connection with participation in a program under this subchapter.

(c) Rule of construction

Nothing in this section shall be construed to prohibit agencies from using established methods, for handling cases of suspected or known child abuse and neglect, that are in compliance with applicable Federal, State, or tribal law.

(Pub. L. 97-35, title VI, §657A, as added Pub. L. 110-134, §25, Dec. 12, 2007, 121 Stat. 1443.)

PRIOR PROVISIONS

A prior section 9852a, Pub. L. 97-35, title VI, §657A, as added Pub. L. 103-252, title I, §123, May 18, 1994, 108 Stat. 650, related to consultation with Corporation for National and Community Service, prior to repeal by Pub. L. 105-285, title I, §118, Oct. 27, 1998, 112 Stat. 2727.

§ 9852b. Centers of Excellence in Early Childhood**(a) Definition**

In this section, the term “center of excellence” means a Center of Excellence in Early Childhood designated under subsection (b).

(b) Designation and bonus grants

The Secretary shall, subject to the availability of funds under this section, establish a program under which the Secretary shall—

(1) designate not more than 200 exemplary Head Start agencies (including Early Head Start agencies, Indian Head Start agencies, and migrant and seasonal Head Start agencies) as Centers of Excellence in Early Childhood; and

(2) make bonus grants to the centers of excellence to carry out the activities described in subsection (d).