

slots to 1,020 hours per year. Some eligible programs chose not to apply for one or both rounds of additional funding to support longer service duration.

OHS has conducted an assessment of available funding and the percentages of slots individual programs currently operate at 1,020 annual hours.

Approximately 30 percent of Head Start center-based programs currently operate all of their slots for 1,020 hours or longer per year. Conversely, approximately 10 percent of Head Start center-based programs do not operate any of their slots for 1,020 hours per year. Approximately 78 percent of Head Start center-based programs operate at least 45 percent of their slots at 1,020 hours per year. Approximately 59 percent of Head Start center-based programs operate at least 50 percent of their slots at 1,020 hours per year.

Based on this assessment, ACF/OHS estimates that full implementation of the requirement at 45 CFR 1302.21(c)(2)(iv) for the remaining programs to operate 100 percent of their Head Start center-based slots for 1,020 annual hours would cost approximately \$730 million in additional funding. In the absence of additional appropriations to support longer duration, Head Start programs would have to adjust (reduce) the number of slots available, in order to be able to operate the remaining slots at 1,020 hours per year. The requirement would result in a loss of approximately 73,800 Head Start slots, which represents roughly 11 percent of existing Head Start slots. This loss would constitute a substantial reduction in Head Start funded enrollment, and therefore makes lowering the 100 percent requirement necessary.

The FY 2020 President's Budget did not request an increase in appropriations to support longer service duration in Head Start. OHS does not expect sufficient funding to become available for Head Start programs to meet the Head Start Program Performance Standards 100 percent duration standard by August 2021. However, currently 78 percent of Head Start programs (1,050 programs) operate at least 45 percent of their center-based slots at 1,020 hours. In contrast, 410 Head Start programs operate less than 45 percent of their center-based slots at 1,020 hours. If OHS were to require all Head Start programs to operate at least 45 percent of their center-based slots at 1,020, OHS assumes that approximately 20 percent of all Head Start center-based programs (290 programs, or approximately 70 percent of Head Start programs that operate less than 45 percent of their center-based slots at

1,020 hours on an annual basis) would apply for and receive a waiver of this requirement.<sup>5</sup> This would leave 120 programs (representing 6,600 center-based slots) that would likely need to increase duration for some of their slots in order to meet a requirement to operation 45 percent of their center-based slots at 1,020 hours per year. OHS estimates that it would cost \$25.5 million for these programs to meet such a requirement; to meet the requirement, without an increase in funding, would require such programs to decrease the number of center-based Head Start slots by less than 1 percent or approximately 2,600 Head Start slots.

OHS believes lowering the 1,020 annual hour requirement from 100 percent to 45 percent reflects prior Congressional appropriations because the most recent appropriations allowed programs to increase the percentage of slots that operate for 1,020 hours up to 45 percent. This will mitigate the chance of substantial slot loss that would likely occur under a 100 percent requirement.

Based on this assessment presented by OHS, the Secretary of Health and Human Services determines that there is insufficient funding for Head Start programs to implement a 100 percent service duration requirement of 1,020 hours per year, without a substantial reduction in funded enrollment. Accordingly, the Secretary exercises his authority to lower the required percentage from 100 percent to 45 percent, based on the assessment that there is sufficient Head Start funding available such that a requirement that 45 percent of center-funded slots operate at 1,020 hours per year would not result in a substantial reduction in funded enrollment. Accordingly, by this notice, HHS lowers the 100 percent duration requirement to 45 percent.

#### Conclusion

In accordance with 45 CFR 1302.21(c)(3)(ii), the Secretary determines that there is not sufficient funding available to mitigate a substantial reduction in funded enrollment resulting from the requirement described in 45 CFR 1302.21(c)(2)(iv), that 100 percent of a Head Start program's center-based funded enrollment operate for 1,020 annual hours of planned classroom operations by August 1, 2021, and hereby lowers that percentage from 100

<sup>5</sup> In order to receive a waiver of the 100 percent duration requirement, a program would have to demonstrate the their proposed program design effectively supports children's development and progress in early learning outcomes and better meets the needs of parents.

percent to 45 percent. This determination is effective immediately. Because the performance standards govern the Secretary's discretion in this matter, and authorize the Secretary to take this action, no public comment process is required.

The service duration requirements for Head Start center-based programs described in 45 CFR 1302.21(c)(2)(i) and (ii) also remain in effect for those slots not operating at 1,020 annual hours. Under these requirements, a Head Start center-based program must provide, at a minimum, at least 160 days per year of planned class operations if it operates for five days per week, or at least 128 days per year if it operates four days per week. Classes must operate for a minimum of 3.5 hours per day. These requirements are minimums, and programs can choose to operate some slots longer each day and/or for more days per year. Additionally, the requirement that Early Head Start programs provide 1,380 annual hours of planned class operations for all center-based enrollment remains in effect.

Dated: December 19, 2019.

**Alex M. Azar II,**

*Secretary, Department of Health and Human Services.*

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## GENERAL SERVICES ADMINISTRATION

### 48 CFR Parts 6101, 6103, 6104, and 6105

[CBCA-TA-2020-01; Docket No. 2020-0007; Sequence No. 1]

#### Rules of Procedure of the Civilian Board of Contract Appeals; Technical Amendment

**AGENCY:** Civilian Board of Contract Appeals; General Services Administration (GSA).

**ACTION:** Final rule.

**SUMMARY:** This document makes amendments to the Rules of Procedure of the Civilian Board of Contract Appeals.

**DATES:** *Effective:* January 30, 2020.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Johnson, Chief Counsel, Civilian Board of Contract Appeals, 1800 M Street NW, Suite 600, Washington, DC 20036; at 202-606-8788; or email at [jamesa.johnson@cbca.gov](mailto:jamesa.johnson@cbca.gov), for clarification of content. For information on status or publication schedules, contact the Regulatory Secretariat Division at 202-501-4755.

**SUPPLEMENTARY INFORMATION:****A. Background**

The Civilian Board of Contract Appeals was established within the General Services Administration (GSA) by Section 847 of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. 109–163 (now codified at 41 U.S.C. 7105(b)). This document updates the CFR to reflect a change in the Board's mailing address. This final rule amends sections 6101.1(e), 6103.302(b), 6104.402(a)(3), and 6105.502(a)(2)(iv) to provide that the physical location and mailing address for the Board are the same.

**B. Regulatory Flexibility Act**

The General Services Administration certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule does not impose any additional costs on large or small businesses.

**C. Executive Orders 12866 and 13563**

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**D. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors, or members of the public

that require approval of the Office of Management and Budget.

**E. Congressional Review Act**

The final rule is exempt from Congressional review under Pub. L. 104–121 because it relates solely to agency organization, procedure, and practice and does not substantially affect the rights or obligations of non-agency parties.

**F. Executive Order 13771**

This final rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

**List of Subjects in 48 CFR Parts 6101, 6103, 6104, and 6105**

Administrative practice and procedure, Freight forwarders, Government procurement, Travel and relocation expenses.

**Jeri Kaylene Somers,**

*Chair, Civilian Board of Contract Appeals, General Services Administration.*

Therefore, GSA amends 48 CFR parts 6101, 6103, 6104, and 6105 as set forth below:

**PART 6101—CONTRACT DISPUTE CASES**

■ 1. The authority citation for 48 CFR part 6101 continues to read as follows:

**Authority:** 41 U.S.C. 7101–7109.

■ 2. Amend section 6101.1 by revising the first sentence of paragraph (e) to read as follows:

**6101.1 General information; definitions [Rule 1].**

(e) \* \* \* The Board's physical and mailing address is 1800 M Street NW, 6th Floor, Washington, DC 20036. \* \* \*

**PART 6103—TRANSPORTATION RATE CASES**

■ 3. The authority citation for 48 CFR part 6103 continues to read as follows:

**Authority:** 31 U.S.C. 3726(i)(1); 41 U.S.C. 7101–7109; Sec. 201(o), Pub. L. 104–316, 110 Stat. 3826.

■ 4. Amend section 6103.302 by removing the second sentence and

revising the new second sentence of paragraph (b) to read as follows:

**6103.302 Filing claims [Rule 302].**

(b) \* \* \* The Board will accept hand-delivered and mailed filings during business hours at 1800 M Street NW, 6th Floor, Washington, DC 20036. \* \* \*

**PART 6104—TRAVEL AND RELOCATION EXPENSES CASES**

■ 5. The authority citation for 48 CFR part 6104 continues to read as follows:

**Authority:** Secs. 202(n), 204, Pub. L. 104–316, 110 Stat. 3826; Sec. 211, Pub. L. 104–53, 109 Stat. 535; 31 U.S.C. 3702; 41 U.S.C. 7101–7109.

■ 6. Amend section 6104.402 by removing the second sentence and revising the new second sentence of paragraph (a)(3) to read as follows:

**6104.402 Filing claims [Rule 402].**

(a) \* \* \*  
(3) \* \* \* The Board will accept hand-delivered and mailed filings during business hours at 1800 M Street NW, 6th Floor, Washington, DC 20036. \* \* \*

**PART 6105—DECISIONS AUTHORIZED UNDER 31 U.S.C. 3529**

■ 7. The authority citation for 48 CFR part 6105 continues to read as follows:

**Authority:** 31 U.S.C. 3529; 31 U.S.C. 3702; 41 U.S.C. 7101–7109; Secs. 202(n), 204, Pub. L. 104–316, 110 Stat. 3826; Sec. 211, Pub. L. 104–53, 109 Stat. 535.

■ 8. Amend section 6105.502 by removing the second sentence and revising the new second sentence of paragraph (a)(2)(iv) to read as follows:

**6105.502 Request for decision [Rule 502].**

(a) \* \* \*  
(2) \* \* \*  
(iv) \* \* \* The Board will accept hand-delivered and mailed filings during business hours at 1800 M Street NW, 6th Floor, Washington, DC 20036. \* \* \*

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