

Pub. L. 116-159, §2104(1), substituted “December 11, 2020” for “November 30, 2020” wherever appearing.

Subsec. (a)(1). Pub. L. 116-260, §303(1)(A)(i), in introductory provisions, substituted “2023” for “2020 and for the period beginning October 1, 2020, and ending December 18, 2020” and struck out “(or, with respect to such period, for fiscal year 2021)” before “under section 705(a) of this title”.

Pub. L. 116-136, §3821(1)(A), in introductory provisions, substituted “through 2020 and for the period beginning October 1, 2020, and ending November 30, 2020” for “and 2019 and for the period beginning October 1, 2019, and ending May 22, 2020” and “fiscal year 2021” for “fiscal year 2020”.

Subsec. (a)(1)(A). Pub. L. 116-260, §303(1)(A)(ii), struck out “or period” after “for the fiscal year” in two places.

Subsec. (a)(2)(A). Pub. L. 116-260, §303(1)(B)(i), substituted “2023” for “2020 and for the period beginning October 1, 2020, and ending December 18, 2020” and struck out “(or, with respect to such period, for fiscal year 2021)” before “under section 705(a) of this title”.

Pub. L. 116-136, §3821(1)(B), substituted “through 2020 and for the period beginning October 1, 2020, and ending November 30, 2020” for “and 2019 and for the period beginning October 1, 2019, and ending May 22, 2020” and “fiscal year 2021” for “fiscal year 2020”.

Subsec. (a)(2)(B)(i). Pub. L. 116-260, §303(1)(B)(ii), struck out “(or, with respect to the period described in subparagraph (A), for fiscal year 2021)” before “under section 705(a) of this title”.

Pub. L. 116-159, §2104(2), substituted “the period described in subparagraph (A), for fiscal year 2021” for “such period, for fiscal year 2020”.

Subsec. (f)(1). Pub. L. 116-260, §303(2)(A), substituted “2023” for “2020, and for the period beginning on October 1, 2020, and ending on December 18, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020”.

Pub. L. 116-136, §3821(2), substituted “through 2020, and for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020” for “and 2019 and \$48,287,671 for the period beginning October 1, 2019, and ending May 22, 2020”.

Subsec. (f)(2). Pub. L. 116-260, §303(2)(B), substituted “2023,” for “2020, and for the period described in paragraph (1).”.

Pub. L. 116-159, §2104(3), substituted “through 2020,” for “and 2019”.

2019—Subsec. (a)(1). Pub. L. 116-94, §303(1)(A), substituted “May 22, 2020” for “December 20, 2019” in introductory provisions.

Pub. L. 116-69, §1201(1)(A), substituted “December 20, 2019” for “November 21, 2019” in introductory provisions.

Pub. L. 116-59, §1201(1)(A)(i), in introductory provisions, inserted “and for the period beginning October 1, 2019, and ending November 21, 2019” after “for each of fiscal years 2018 and 2019” and “(or, with respect to such period, for fiscal year 2020)” after “for the fiscal year”.

Subsec. (a)(1)(A). Pub. L. 116-59, §1201(1)(A)(ii), substituted “for the fiscal year or period” for “for the fiscal year” in two places.

Subsec. (a)(2)(A). Pub. L. 116-94, §303(1)(B), substituted “May 22, 2020” for “December 20, 2019”.

Pub. L. 116-69, §1201(1)(B), substituted “December 20, 2019” for “November 21, 2019”.

Pub. L. 116-59, §1201(1)(B)(i), inserted “and for the period beginning October 1, 2019, and ending November 21, 2019” after “for each of fiscal years 2018 and 2019” and “(or, with respect to such period, for fiscal year 2020)” after “for the fiscal year”.

Subsec. (a)(2)(B)(i). Pub. L. 116-59, §1201(1)(B)(ii), inserted “(or, with respect to such period, for fiscal year 2020)” after “for the fiscal year”.

Subsec. (f)(1). Pub. L. 116-94, §303(2), substituted “\$48,287,671 for the period beginning October 1, 2019, and

ending May 22, 2020” for “\$16,643,836 for the period beginning October 1, 2019, and ending December 20, 2019”.

Pub. L. 116-69, §1201(2), substituted “\$16,643,836 for the period beginning October 1, 2019, and ending December 20, 2019” for “\$10,684,931 for the period beginning October 1, 2019, and ending November 21, 2019”.

Pub. L. 116-59, §1201(2)(A), inserted “and \$10,684,931 for the period beginning October 1, 2019, and ending November 21, 2019” after “for each of fiscal years 2018 and 2019”.

Subsec. (f)(2). Pub. L. 116-59, §1201(2)(B), inserted “and for the period described in paragraph (1)” after “for each of fiscal years 2018 and 2019”.

2018—Pub. L. 115-123 amended section generally. Prior to amendment, section related to abstinence education.

Subsec. (a)(1)(A). Pub. L. 115-141, §701(b), substituted “subsection (f)(1)” for “subsection (e)(1)” and “subsection (f)(2)” for “subsection (e)(2)”.

Subsec. (d)(1). Pub. L. 115-141, §701(a), inserted before period at end “, except that section 703(a) of this title shall be applied by substituting ‘the total of the sums’ for ‘four-sevenths of the total of the sums’”.

2015—Subsec. (a). Pub. L. 114-10, §214(a)(1), substituted “2017” for “2015” in introductory provisions.

Subsec. (d). Pub. L. 114-10, §214(a)(2), inserted “and an additional \$75,000,000 for each of fiscal years 2016 and 2017” after “2015”.

2014—Subsecs. (a), (d). Pub. L. 113-93 substituted “2015” for “2014”.

2010—Subsec. (a). Pub. L. 111-148, §2954(1), substituted “each of fiscal years 2010 through 2014” for “fiscal year 1998 and each subsequent fiscal year”.

Subsec. (d). Pub. L. 111-148, §2954(2), substituted “2010 through 2014” for “1998 through 2003” in first sentence and inserted “(except that such appropriation shall be made on March 23, 2010, in the case of fiscal year 2010)” before period at end of second sentence.

2003—Subsec. (d). Pub. L. 108-40 substituted “2003” for “2002”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-123, div. E, title V, §50502(b), Feb. 9, 2018, 132 Stat. 227, provided that: “The amendment made by this section [amending this section] shall take effect as if enacted on October 1, 2017.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-40 effective July 1, 2003, see section 8 of Pub. L. 108-40, set out as a note under section 603 of this title.

ESTABLISHING NATIONAL GOALS TO PREVENT TEENAGE PREGNANCIES

Pub. L. 104-193, title IX, §905, Aug. 22, 1996, 110 Stat. 2349, provided that:

“(a) IN GENERAL.—Not later than January 1, 1997, the Secretary of Health and Human Services shall establish and implement a strategy for—

“(1) preventing out-of-wedlock teenage pregnancies, and

“(2) assuring that at least 25 percent of the communities in the United States have teenage pregnancy prevention programs in place.

“(b) REPORT.—Not later than June 30, 1998, and annually thereafter, the Secretary shall report to the Congress with respect to the progress that has been made in meeting the goals described in paragraphs (1) and (2) of subsection (a).”

§ 711. Maternal, infant, and early childhood home visiting programs

(a) Purposes

The purposes of this section are—

(1) to strengthen and improve the programs and activities carried out under this subchapter;

(2) to improve coordination of services for at risk communities; and

(3) to identify and provide comprehensive services to improve outcomes for families who reside in at risk communities.

(b) Requirement for all States to assess statewide needs and identify at risk communities

(1) In general

Each State shall, as a condition of receiving payments from an allotment for the State under section 702 of this title, conduct a statewide needs assessment (which may be separate from but in coordination with the statewide needs assessment required under section 705(a) of this title and which shall be reviewed and updated by the State not later than October 1, 2020) that identifies—

(A) communities with concentrations of—

(i) premature birth, low-birth weight infants, and infant mortality, including infant death due to neglect, or other indicators of at-risk prenatal, maternal, newborn, or child health;

(ii) poverty;

(iii) crime;

(iv) domestic violence;

(v) high rates of high-school drop-outs;

(vi) substance abuse;

(vii) unemployment; or

(viii) child maltreatment;

(B) the quality and capacity of existing programs or initiatives for early childhood home visitation in the State including—

(i) the number and types of individuals and families who are receiving services under such programs or initiatives;

(ii) the gaps in early childhood home visitation in the State; and

(iii) the extent to which such programs or initiatives are meeting the needs of eligible families described in subsection (l)(2); and

(C) the State's capacity for providing substance abuse treatment and counseling services to individuals and families in need of such treatment or services.

(2) Coordination with other assessments

In conducting the statewide needs assessment required under paragraph (1), the State shall coordinate with, and take into account, other appropriate needs assessments conducted by the State, as determined by the Secretary, including the needs assessment required under section 705(a) of this title (both the most recently completed assessment and any such assessment in progress), the communitywide strategic planning and needs assessments conducted in accordance with section 9835(g)(1)(C) of this title, and the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State required under section 205(3) of the Child Abuse Prevention and Treatment Act [42 U.S.C. 5116d(3)].

(3) Submission to the Secretary

Each State shall submit to the Secretary, in such form and manner as the Secretary shall require—

(A) the results of the statewide needs assessment required under paragraph (1); and

(B) a description of how the State intends to address needs identified by the assessment, particularly with respect to communities identified under paragraph (1)(A), which may include applying for a grant to conduct an early childhood home visitation program in accordance with the requirements of this section.

(c) Grants for early childhood home visitation programs

(1) Authority to make grants

In addition to any other payments made under this subchapter to a State, the Secretary shall make grants to eligible entities to enable the entities to deliver services under early childhood home visitation programs that satisfy the requirements of subsection (d) to eligible families in order to promote improvements in maternal and prenatal health, infant health, child health and development, parenting related to child development outcomes, school readiness, and the socioeconomic status of such families, and reductions in child abuse, neglect, and injuries.

(2) Authority to use initial grant funds for planning or implementation

An eligible entity that receives a grant under paragraph (1) may use a portion of the funds made available to the entity during the first 6 months of the period for which the grant is made for planning or implementation activities to assist with the establishment of early childhood home visitation programs that satisfy the requirements of subsection (d).

(3) Authority to use grant for a pay for outcomes initiative

An eligible entity to which a grant is made under paragraph (1) may use up to 25 percent of the grant for outcomes or success payments related to a pay for outcomes initiative that will not result in a reduction of funding for services delivered by the entity under a childhood home visitation program under this section while the eligible entity develops or operates such an initiative.

(4) Grant amounts

(A) Base grants

(i) In general

(I) General rule

With respect to each of fiscal years 2023 through 2027 for which an eligible entity not referred to in subsection (k)(2)(A) is awarded a base grant under this section, the amount of the grant payable to the eligible entity for the fiscal year is the amount described by clause (ii) of this subparagraph with respect to the eligible entity, except as provided in subclause (II) of this clause.

(II) Substitution of successor eligible entity for predecessor

If the 1st fiscal year for which an eligible entity is awarded a base grant under this section for a program operated in a

State is among fiscal years 2024 through 2027, the amount described by clause (ii) with respect to the eligible entity is the amount of the base grant for which a program operated in the State was eligible under this subparagraph for fiscal year 2023.

(ii) Amount described

(I) General rule

Subject to the succeeding provisions of this clause, the amount described by this clause with respect to an eligible entity is—

(aa) the amount made available under subsection (k) for base grants for fiscal year 2023 that remains after making the reservations required by subsection (k)(2) or any other reductions required by Federal law for fiscal year 2023; multiplied by

(bb) the percentage of children in all States who have not attained 5 years of age (as determined by the Secretary on the basis of the data most recently available before fiscal year 2023) that is represented by the number of such children in the State in which the eligible entity is operating a program pursuant to this section (as so determined).

(II) Adjustments to ensure stable funding

If the amount otherwise payable to an eligible entity under subclause (I) for fiscal year 2023 is less than 90 percent, or greater than 110 percent, of the amount payable under this section to the eligible entity for the program for fiscal year 2021, the Secretary shall increase the amount otherwise so payable to 90 percent, or decrease the amount otherwise so payable to 110 percent, as the case may be, of the amount otherwise so payable.

(III) Adjustment to ensure all base grant funds are allocated

If the amount described by subclause (I)(aa) is different than the total of the amounts otherwise described by subclause (I) after applying subclause (II), the Secretary shall increase or decrease the amounts otherwise so described after applying subclause (II) by such equal percentage as is necessary to reduce that difference to zero.

(IV) Minimum base grant amount

Notwithstanding the preceding provisions of this clause, the amount described by this clause with respect to an eligible entity shall be not less than \$1,000,000.

(B) Matching grants

(i) Amount of grant

(I) General rule

With respect to each of fiscal years 2024 through 2027 for which an eligible entity not referred to in subsection (k)(2)(A) is awarded a grant under this

section, the Secretary shall increase the amount of the grant payable to the eligible entity for the fiscal year under subparagraph (A) of this paragraph by the matching amount (if any) determined under subclause (II) of this clause with respect to the eligible entity for the fiscal year and the additional matching amount (if any) determined under clause (iii) of this subparagraph with respect to the eligible entity for the fiscal year.

(II) Matching amount

(aa) In general

Subject to item (bb) of this subclause, the matching amount with respect to an eligible entity for a fiscal year is 75 percent of the sum of—

(AA) the total amount obligated by the eligible entity for home visiting services in the State for the fiscal year, from Federal funds made available for the fiscal year under this subparagraph; and

(BB) the total amount so obligated by the eligible entity from non-Federal funds, determined under subclause (III).

(bb) Limitation

The matching amount with respect to an eligible entity for a fiscal year shall not exceed the allotment under subclause (IV) for the State in which the eligible entity is operating a program under this section for the fiscal year.

(III) Determination of obligations from non-Federal funds

For purposes of this clause, the total amount obligated by an eligible entity from non-Federal funds is the total of the amounts that are obligated by the eligible entity from non-Federal sources, to the extent that—

(aa) the services are delivered in compliance with subsections (d)(2) and (d)(3);

(bb) the eligible entity has reported the obligations to the Secretary; and

(cc) the amount is not counted toward meeting the maintenance of effort requirement in subsection (f).

(IV) State allotments

The amount allotted under this subclause for a State in which an eligible entity is operating a program under this section for a fiscal year is—

(aa) the minimum matching grant allocation amount for the fiscal year; plus

(bb)(AA) the amount (if any) by which the amount made available under subsection (k) for matching grants for the fiscal year that remains after making the reservations required by subsection (k)(2) or any other reduction required by Federal law for the fiscal year exceeds the sum of the minimum matching grant allocation

amounts for all eligible entities for the fiscal year; multiplied by

(BB) the percentage of children in all States who have not attained 5 years of age and are members of families with income not exceeding the poverty line (as determined by the Secretary on the basis of the most recently available data) that is represented by the number of such children in the State (as so determined).

(V) Minimum matching grant allocation amount

Subject to subclause (VI), for purposes of subclause (IV), the minimum matching grant allocation amount for a fiscal year is—

- (aa) in the case of fiscal year 2024, \$776,000;
- (bb) in the case of fiscal year 2025, \$1,000,000;
- (cc) in the case of fiscal year 2026, \$1,500,000; and
- (dd) in the case of fiscal year 2027, \$2,000,000.

(VI) Special rule

If, after making any reductions otherwise required by law for a fiscal year, the amount made available for matching grants under this clause for the fiscal year is insufficient to provide the minimum matching grant allocation amount to each eligible entity operating a program under this section for the fiscal year, the Secretary may make a proportionate adjustment to the minimum matching grant allocation amount for the fiscal year to accommodate the reductions.

(ii) Submission of statement expressing interest in additional matching funds if available

Before the beginning of a fiscal year for which an eligible entity desires a matching grant under this subparagraph for a program operated under this section, the eligible entity shall submit to the Secretary a statement as to whether the eligible entity desires additional matching grant funds that may be made available under clause (iii) for the fiscal year.

(iii) Carryover and reallocation of unobligated funds

(I) In general

If the Secretary determines that an amount allotted under clause (i)(IV) of this subparagraph for a fiscal year will not be awarded during the fiscal year, or that an amount made available under subsection (k)(1) for a fiscal year for matching grants will not be obligated by an eligible entity for the fiscal year, the amount shall be available for matching grants under this subparagraph for the succeeding fiscal year for eligible entities that have made submissions under clause (i) of this subparagraph for additional matching grant funds from the amount.

(II) State allotments

The Secretary shall allot to each eligible entity that has made such a submission for a fiscal year—

(aa) the total amount (if any) made available under subclause (I) for the fiscal year; multiplied by

(bb) the percentage of children who have not attained 5 years of age and are members of families with income not exceeding the poverty line (as determined by the Secretary on the basis of the most recently available data) in all of the States in which any eligible entity that has made such a submission is so operating a program, that is represented by the number of such children in the State (as so determined) in which the eligible entity is operating such a program.

(III) Additional matching amount

(aa) In general

Subject to item (bb) of this subclause, the additional matching amount with respect to an eligible entity for a fiscal year is 75 percent of the sum of—

(AA) the total amount obligated by the eligible entity for home visiting services in the State for the fiscal year, from Federal funds made available for the fiscal year under this subparagraph; and

(BB) the total amount so obligated by the eligible entity from non-Federal funds, determined under clause (i)(III),

that are not taken into account in determining the matching amount with respect to the eligible entity under clause (i).

(bb) Limitation

The additional matching amount with respect to an eligible entity for a fiscal year shall not exceed the allotment under subclause (II) for the State in which the eligible entity is operating a program under this section for the fiscal year.

(5) Technical assistance

The Secretary shall provide an eligible entity that receives a grant under paragraph (1) with technical assistance in administering programs or activities conducted in whole or in part with grant funds.

(d) Requirements

The requirements of this subsection for an early childhood home visitation program conducted with a grant made under this section are as follows:

(1) Quantifiable, measurable improvement in benchmark areas related to individual family outcomes

(A) In general

The eligible entity establishes, subject to the approval of the Secretary, quantifiable,

measurable 3- and 5-year benchmarks for demonstrating that the program results in improvements for the eligible families participating in the program in the following areas:

- (i) Improved maternal and newborn health.
- (ii) Prevention of child injuries, child abuse, neglect, or maltreatment, and reduction of emergency department visits.
- (iii) Improvement in school readiness and achievement.
- (iv) Reduction in crime or domestic violence.
- (v) Improvements in family economic self-sufficiency.
- (vi) Improvements in the coordination and referrals for other community resources and supports.

(B) Outcomes dashboards

The Secretary shall, directly or by grant or contract, establish and operate a website accessible to the public that includes an annually updated dashboard that—

- (i) provides easy-to-understand information on the outcomes achieved by each eligible entity with respect to each of the benchmarks described in subparagraph (A) of this paragraph that apply to the eligible entity, which shall be based on only the data elements or types of data collected before December 29, 2022, unless administering agencies and the Secretary agree pursuant to subsection (h)(6) that additional data is required;
- (ii) includes a template provided by the Secretary that will enable comparison among eligible entities not referred to in subsection (k)(2)(A) of—
 - (I) a profile of each eligible entity showing outcome indicators and how the outcomes compare to benchmarks described in subclause (II);
 - (II) information on the outcome indicators and requisite outcome levels established for each eligible entity;
 - (III) information on each model employed in the program operated by each eligible entity, and regarding each benchmark area described in subsection (d)(1)(A) in which the model used by the eligible entity is expected to affect participant outcomes;
 - (IV) the most recently available information from the report required by subparagraph (E) of this paragraph;
 - (V) an electronic link to the State needs assessment under subsection (b)(1); and
 - (VI) information regarding any penalty imposed, or other corrective action taken, by the Secretary against a State for failing to achieve a requisite outcome level or any other requirement imposed by or under this section, and an indication as to whether the eligible entity is operating under a corrective action plan under subparagraph (E)(ii) of this paragraph, and if so, a link to the plan, an explanation of the reason for the im-

plementation of the plan, and a report on any progress made in operating under the plan;

(iii) includes information relating to those eligible entities for which funding is reserved under subsection (k)(2)(A), with modifications as necessary to reflect tribal sovereignty, data privacy, and participant confidentiality; and

(iv) protects data privacy and confidentiality of participant families.

(C) Demonstration of improvements after 3 years

(i) Report to the Secretary

Not later than 30 days after the end of the 3rd year in which the eligible entity conducts the program, the entity submits to the Secretary a report demonstrating improvement in at least 4 of the areas specified in subparagraph (A).

(ii) Corrective action plan

If the report submitted by the eligible entity under clause (i) fails to demonstrate improvement in at least 4 of the areas specified in subparagraph (A), the entity shall develop and implement a plan to improve outcomes in each of the areas specified in subparagraph (A), subject to approval by the Secretary. The plan shall include provisions for the Secretary to monitor implementation of the plan and conduct continued oversight of the program, including through submission by the entity of regular reports to the Secretary.

(iii) Technical assistance

(I) In general

The Secretary shall provide an eligible entity required to develop and implement an improvement plan under clause (ii) with technical assistance to develop and implement the plan. The Secretary may provide the technical assistance directly or through grants, contracts, or cooperative agreements.

(II) Advisory panel

The Secretary shall establish an advisory panel for purposes of obtaining recommendations regarding the technical assistance provided to entities in accordance with subclause (I).

(iv) No improvement or failure to submit report

If the Secretary determines after a period of time specified by the Secretary that an eligible entity implementing an improvement plan under clause (ii) has failed to demonstrate any improvement in the areas specified in subparagraph (A), or if the Secretary determines that an eligible entity has failed to submit the report required under clause (i), the Secretary shall terminate the entity's grant and may include any unexpended grant funds in grants made to nonprofit organizations under subsection (h)(2)(B).

(D) Final report

Not later than December 31, 2015, the eligible entity shall submit a report to the Sec-

retary demonstrating improvements (if any) in each of the areas specified in subparagraph (A).

(E) Demonstration of improvements in subsequent years

(i) Continued measurement of improvement in applicable benchmark areas

The eligible entity, after demonstrating improvements for eligible families as specified in subparagraphs (A) and (C), shall continue to track and report, not later than 30 days after the end of fiscal year 2020 and every 3 years thereafter, information demonstrating that the program results in improvements for the eligible families participating in the program in at least 4 of the areas specified in subparagraph (A) that the service delivery model or models selected by the entity are intended to improve.

(ii) Corrective action plan

If the eligible entity fails to demonstrate improvement in at least 4 of the areas specified in subparagraph (A), as compared to eligible families who do not receive services under an early childhood home visitation program, the entity shall develop and implement a plan to improve outcomes in each of the areas specified in subparagraph (A) that the service delivery model or models selected by the entity are intended to improve, subject to approval by the Secretary. The plan shall include provisions for the Secretary to monitor implementation of the plan and conduct continued oversight of the program, including through submission by the entity of regular reports to the Secretary.

(iii) Technical assistance

The Secretary shall provide an eligible entity required to develop and implement an improvement plan under clause (ii) with technical assistance to develop and implement the plan. The Secretary may provide the technical assistance directly or through grants, contracts, or cooperative agreements.

(iv) No improvement or failure to submit report

If the Secretary determines after a period of time specified by the Secretary that an eligible entity implementing an improvement plan under clause (ii) has failed to demonstrate any improvement in at least 4 of the areas specified in subparagraph (A), or if the Secretary determines that an eligible entity has failed to submit the report required by clause (i), the Secretary shall terminate the grant made to the entity under this section and may include any unexpended grant funds in grants made to nonprofit organizations under subsection (h)(2)(B).

(2) Improvements in outcomes for individual families

(A) In general

The program is designed, with respect to an eligible family participating in the pro-

gram, to result in the participant outcomes described in subparagraph (B) that the eligible entity identifies on the basis of an individualized assessment of the family, are relevant for that family.

(B) Participant outcomes

The participant outcomes described in this subparagraph are the following:

- (i) Improvements in prenatal, maternal, and newborn health, including improved pregnancy outcomes¹
- (ii) Improvements in child health and development, including the prevention of child injuries and maltreatment and improvements in cognitive, language, social-emotional, and physical developmental indicators.
- (iii) Improvements in parenting skills.
- (iv) Improvements in school readiness and child academic achievement.
- (v) Reductions in crime or domestic violence.
- (vi) Improvements in family economic self-sufficiency.
- (vii) Improvements in the coordination of referrals for, and the provision of, other community resources and supports for eligible families, consistent with State child welfare agency training.

(3) Core components

The program includes the following core components:

(A) Service delivery model or models

(i) In general

Subject to clause (ii), the program is conducted using 1 or more of the service delivery models described in item (aa) or (bb) of subclause (I) or in subclause (II) selected by the eligible entity:

(I) The model conforms to a clear consistent home visitation model that has been in existence for at least 3 years and is research-based, grounded in relevant empirically-based knowledge, linked to program determined outcomes, associated with a national organization or institution of higher education that has comprehensive home visitation program standards that ensure high quality service delivery and continuous program quality improvement, and has demonstrated significant,² (and in the case of the service delivery model described in item (aa), sustained) positive outcomes, as described in the benchmark areas specified in paragraph (1)(A) and the participant outcomes described in paragraph (2)(B), when evaluated using well-designed and rigorous—

- (aa) randomized controlled research designs, and the evaluation results have been published in a peer-reviewed journal; or
- (bb) quasi-experimental research designs.

(II) The model conforms to a promising and new approach to achieving the

¹ So in original. Probably should be followed by a period.

² So in original. The comma probably should not appear.

benchmark areas specified in paragraph (1)(A) and the participant outcomes described in paragraph (2)(B), has been developed or identified by a national organization or institution of higher education, and will be evaluated through well-designed and rigorous process.

(ii) Majority of grant funds used for evidence-based models

An eligible entity shall use not more than 25 percent of the amount of the grant paid to the entity for a fiscal year for purposes of conducting a program using the service delivery model described in clause (i)(II).

(iii) Criteria for evidence of effectiveness of models

The Secretary shall establish criteria for evidence of effectiveness of the service delivery models and shall ensure that the process for establishing the criteria is transparent and provides the opportunity for public comment.

(B) Use of grant to provide or support targeted, intensive home visiting services

The program uses the grant to provide or support targeted, intensive home visiting services for the populations described in paragraph (5)³.

(C) Additional requirements

(i) The program adheres to a clear, consistent model that satisfies the requirements of being grounded in empirically-based knowledge related to home visiting and linked to the benchmark areas specified in paragraph (1)(A) and the participant outcomes described in paragraph (2)(B) related to the purposes of the program.

(ii) The program employs well-trained and competent staff, as demonstrated by education or training, such as nurses, social workers, educators, child development specialists, or other well-trained and competent staff, and provides ongoing and specific training on the model being delivered.

(iii) The program maintains high quality supervision to establish home visitor competencies.

(iv) The program demonstrates strong organizational capacity to implement the activities involved.

(v) The program establishes appropriate linkages and referral networks to other community resources and supports for eligible families.

(vi) The program monitors the fidelity of program implementation to ensure that services are delivered pursuant to the specified model.

(4) Priority for serving high-risk populations

The eligible entity gives priority to providing services under the program to the following:

(A) Eligible families who reside in communities in need of such services, as identified in the statewide needs assessment required

under subsection (b)(1)(A), taking into account the staffing, community resource, and other requirements to operate at least one approved model of home visiting and demonstrate improvements for eligible families.

(B) Low-income eligible families.

(C) Eligible families who are pregnant women who have not attained age 21.

(D) Eligible families that have a history of child abuse or neglect or have had interactions with child welfare services.

(E) Eligible families that have a history of substance abuse or need substance abuse treatment.

(F) Eligible families that have users of tobacco products in the home.

(G) Eligible families that are or have children with low student achievement.

(H) Eligible families with children with developmental delays or disabilities.

(I) Eligible families who, or that include individuals who, are serving or formerly served in the Armed Forces, including such families that have members of the Armed Forces who have had multiple deployments outside of the United States.

(5) Limitation on use of funds for administrative costs

(A) In general

Except as provided in subparagraph (B) of this paragraph, an eligible entity to which funds are provided under subsection (c) or (h)(2)(B) shall not use more than 10 percent of the funds to cover the costs of administration.

(B) Authority to grant exceptions

(i) In general

The Secretary may authorize an eligible entity that meets a condition of clause (ii) of this subparagraph to exceed the percentage limitation in subparagraph (A) with respect to a program conducted under this subsection by not more than 5 percentage points, subject to such terms and conditions as the Secretary deems appropriate.

(ii) Conditions

An eligible entity meets a condition of this clause if the eligible entity—

(I) conducts the program by directly providing home visits to eligible families and without a sub-recipient;

(II) in the fiscal year for which the grant for the program is made under this section, proposes to expand services in 1 or more communities identified in the statewide needs assessment under subsection (b) and in which home visiting services are not provided; or

(III) has conducted the program for fewer than 3 years.

(e) Application requirements

An eligible entity desiring a grant under this section shall submit an application to the Secretary for approval, in such manner as the Secretary may require, that includes the following:

(1) A description of the populations to be served by the entity, including specific infor-

³So in original. Probably should be "paragraph (4)".

mation regarding how the entity will serve high risk populations described in subsection (d)(4).

(2) An assurance that the entity will give priority to serving low-income eligible families and eligible families who reside in at risk communities identified in the statewide needs assessment required under subsection (b)(1)(A).

(3) The service delivery model or models described in subsection (d)(3)(A) that the entity will use under the program and the basis for the selection of the model or models.

(4) A statement identifying how the selection of the populations to be served and the service delivery model or models that the entity will use under the program for such populations is consistent with the results of the statewide needs assessment conducted under subsection (b).

(5) The quantifiable, measurable benchmarks established by the State to demonstrate that the program contributes to improvements in the areas specified in subsection (d)(1)(A) that the service delivery model or models selected by the entity are intended to improve.

(6) An assurance that the entity will obtain and submit documentation or other appropriate evidence from the organization or entity that developed the service delivery model or models used under the program to verify that the program is implemented and services are delivered according to the model specifications.

(7) Assurances that the entity will establish procedures to ensure that—

(A) the participation of each eligible family in the program is voluntary; and

(B) services are provided to an eligible family in accordance with the individual assessment for that family.

(8) Assurances that the entity will—

(A) submit annual reports to the Secretary regarding the program and activities carried out under the program that include such information and data as the Secretary shall require; and

(B) participate in, and cooperate with, data and information collection necessary for the evaluation required under subsection (g)(2) and other research and evaluation activities carried out under subsection (h)(3).

(9) A description of other State programs that include home visitation services, including, if applicable to the State, other programs carried out under this subchapter with funds made available from allotments under section 702(c) of this title, programs funded under subchapter IV, title II of the Child Abuse Prevention and Treatment Act [42 U.S.C. 5116 et seq.] (relating to community-based grants for the prevention of child abuse and neglect), and section 9840a of this title (relating to Early Head Start programs).

(10) Other information as required by the Secretary.

(f) Maintenance of effort

(1) In general

Notwithstanding any other provision of this section, the Secretary may not make a grant

to an eligible entity under this section for a fiscal year if the total amount of non-Federal funds obligated by the eligible entity in the State in the fiscal year for a program operated pursuant to this section is less than the total amount of non-Federal funds reported to have been expended by any eligible entity for such a program in the State in fiscal year 2019 or 2021, whichever is the lesser.

(2) Publication of amounts

Not later than June 30, 2023, the Secretary shall cause to have published in the Federal Register the amount of non-Federal funds expended as described in this section that has been reported by each eligible entity not referred to in subsection (k)(2)(A) for each of fiscal years 2019 and 2021.

(3) Grace period

The Secretary may, in exceptional circumstances, allow an eligible entity a period to come into compliance with this subsection. The Secretary shall provide technical assistance to any eligible entity to assist the entity in doing so.

(g) Evaluation

(1) Independent, expert advisory panel

The Secretary, in accordance with subsection (h)(1)(A), shall appoint an independent advisory panel consisting of experts in program evaluation and research, education, and early childhood development—

(A) to review, and make recommendations on, the design and plan for the evaluation required under paragraph (2) within 1 year after March 23, 2010;

(B) to maintain and advise the Secretary regarding the progress of the evaluation; and

(C) to comment, if the panel so desires, on the report submitted under paragraph (3).

(2) Authority to conduct evaluation

On the basis of the recommendations of the advisory panel under paragraph (1), the Secretary shall, by grant, contract, or interagency agreement, conduct an evaluation of the statewide needs assessments submitted under subsection (b) and the grants made under subsections (c) and (h)(3)(B). The evaluation shall include—

(A) an analysis, on a State-by-State basis, of the results of such assessments, including indicators of maternal and prenatal health and infant health and mortality, and State actions in response to the assessments; and

(B) an assessment of—

(i) the effect of early childhood home visitation programs on child and parent outcomes, including with respect to each of the benchmark areas specified in subsection (d)(1)(A) and the participant outcomes described in subsection (d)(2)(B);

(ii) the effectiveness of such programs on different populations, including the extent to which the ability of programs to improve participant outcomes varies across programs and populations; and

(iii) the potential for the activities conducted under such programs, if scaled broadly, to improve health care practices,

eliminate health disparities, and improve health care system quality, efficiencies, and reduce costs.

(3) Report

Not later than March 31, 2015, the Secretary shall submit a report to Congress on the results of the evaluation conducted under paragraph (2) and shall make the report publicly available.

(h) Other provisions

(1) Intra-agency collaboration

The Secretary shall ensure that the Maternal and Child Health Bureau and the Administration for Children and Families collaborate with respect to carrying out this section, including with respect to—

(A) reviewing and analyzing the statewide needs assessments required under subsection (b), the awarding and oversight of grants awarded under this section, the establishment of the advisory panels required under subsections (d)(1)(B)(iii)(II) and (g)(1), and the evaluation and report required under subsection (g); and

(B) consulting with other Federal agencies with responsibility for administering or evaluating programs that serve eligible families to coordinate and collaborate with respect to research related to such programs and families, including the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, the Centers for Disease Control and Prevention, the National Institute of Child Health and Human Development of the National Institutes of Health, the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and the Institute of Education Sciences of the Department of Education.

(2) Grants to eligible entities that are not States

(A) Indian Tribes, Tribal Organizations, or Urban Indian Organizations

The Secretary shall specify requirements for eligible entities that are Indian Tribes (or a consortium of Indian Tribes), Tribal Organizations, or Urban Indian Organizations to apply for and conduct an early childhood home visitation program with a grant under this section. Such requirements shall, to the greatest extent practicable, be consistent with the requirements applicable to eligible entities that are States and shall require an Indian Tribe (or consortium), Tribal Organization, or Urban Indian Organization to—

(i) conduct a needs assessment similar to the assessment required for all States under subsection (b); and

(ii) establish quantifiable, measurable 3- and 5-year benchmarks consistent with subsection (d)(1)(A).

(B) Nonprofit organizations

If, as of the beginning of fiscal year 2012, a State has not applied or been approved for a grant under this section, the Secretary may use amounts appropriated under paragraph

(1) of subsection (k) that are available for expenditure under paragraph (3) of that subsection to make a grant to an eligible entity that is a nonprofit organization described in subsection (l)(1)(B) to conduct an early childhood home visitation program in the State. The Secretary shall specify the requirements for such an organization to apply for and conduct the program which shall, to the greatest extent practicable, be consistent with the requirements applicable to eligible entities that are States and shall require the organization to—

(i) carry out the program based on the needs assessment conducted by the State under subsection (b); and

(ii) establish quantifiable, measurable 3- and 5-year benchmarks consistent with subsection (d)(1)(A).

(3) Research and other evaluation activities

(A) In general

The Secretary shall carry out a continuous program of research and evaluation activities in order to increase knowledge about the implementation and effectiveness of home visiting programs, using random assignment designs to the maximum extent feasible. The Secretary may carry out such activities directly, or through grants, cooperative agreements, or contracts.

(B) Requirements

The Secretary shall ensure that—

(i) evaluation of a specific program or project is conducted by persons or individuals not directly involved in the operation of such program or project; and

(ii) the conduct of research and evaluation activities includes consultation with independent researchers, State officials, and developers and providers of home visiting programs on topics including research design and administrative data matching.

(4) Report and recommendation

Not later than December 31, 2015, the Secretary shall submit a report to Congress regarding the programs conducted with grants under this section. The report required under this paragraph shall include—

(A) information regarding the extent to which eligible entities receiving grants under this section demonstrated improvements in the areas specified in subsection (d)(1)(A);

(B) information regarding any technical assistance provided under subsection (d)(1)(B)(iii)(I), including the type of any such assistance provided; and

(C) recommendations for such legislative or administrative action as the Secretary determines appropriate.

(5) Data exchange standards for improved interoperability

(A) Designation and use of data exchange standards

(i) Designation

The head of the department or agency responsible for administering a program

funded under this section shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, designate data exchange standards for necessary categories of information that a State agency operating the program is required to electronically exchange with another State agency under applicable Federal law.

(ii) Data exchange standards must be nonproprietary and interoperable

The data exchange standards designated under clause (i) shall, to the extent practicable, be nonproprietary and interoperable.

(iii) Other requirements

In designating data exchange standards under this paragraph, the Secretary shall, to the extent practicable, incorporate—

(I) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget;

(II) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

(III) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance.

(B) Data exchange standards for Federal reporting

(i) Designation

The head of the department or agency responsible for administering a program referred to in this section shall, in consultation with an interagency work group established by the Office of Management and Budget, and considering State government perspectives, designate data exchange standards to govern Federal reporting and exchange requirements under applicable Federal law.

(ii) Requirements

The data exchange reporting standards required by clause (i) shall, to the extent practicable—

(I) incorporate a widely accepted, nonproprietary, searchable, computer-readable format;

(II) be consistent with and implement applicable accounting principles;

(III) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

(IV) be capable of being continually upgraded as necessary.

(iii) Incorporation of nonproprietary standards

In designating data exchange standards under this paragraph, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Mark up Language.

(iv) Rule of construction

Nothing in this paragraph shall be construed to require a change to existing data exchange standards for Federal reporting about a program referred to in this section, if the head of the department or agency responsible for administering the program finds the standards to be effective and efficient.

(6) Reduction of administrative burden

(A) In general

The Secretary shall reduce the burden, on States and public and private implementing agencies at the local level, of administering this section, by—

(i) reviewing and revising administrative data collection instruments and forms to eliminate duplication and streamline reporting requirements for States, eligible entities referred to in subsection (k)(2)(A), and nonprofit organizations referred to in subsection (l)(1)(B), including timelines for submitting reports;

(ii) conducting an analysis of the total number of hours reported by administering agencies on complying with paperwork requirements, and exploring, in consultation with administering agencies, ways to reduce the number of hours spent by at least 15 percent;

(iii) conducting a review of paperwork and data collection requirements for tribal grantees, and exploring, in consultation with tribes and tribal organizations, ways to reduce administrative burden, respect sovereignty, and acknowledge the different focus points for tribal grantees;

(iv) collecting input from relevant State fiscal officials to align fiscal requirements and oversight for States and eligible entities to ensure consistency with standards and guidelines for other Federal formula grant programs; and

(v) consulting with administering agencies and service delivery model representatives on needed and unneeded data elements regarding the dashboards provided for in subsection (d)(1)(B), consistent with the data requirements of such subsection.

(B) Findings on paperwork reduction

(i) Inclusion in report

In the 1st report submitted pursuant to subsection (j) more than 18 months after December 29, 2022, the Secretary shall include the findings of the Secretary with respect to the matters described in subparagraph (A).

(ii) Implementation

Within 2 years after complying with clause (i), the Secretary shall implement the findings referred to in clause (i).

(i) Application of other provisions of subchapter

(1) In general

Except as provided in paragraph (2), the other provisions of this subchapter shall not apply to a grant made under this section.

(2) Exceptions

The following provisions of this subchapter shall apply to a grant made under this section

to the same extent and in the same manner as such provisions apply to allotments made under section 702(c) of this title:

(A) Section 704(b)(6) of this title (relating to prohibition on payments to excluded individuals and entities).

(B) Section 704(c) of this title (relating to the use of funds for the purchase of technical assistance).

(C) Section 706 of this title (relating to reports and audits), but only to the extent determined by the Secretary to be appropriate for grants made under this section.

(D) Section 707 of this title (relating to penalties for false statements).

(E) Section 708 of this title (relating to nondiscrimination).

(F) Section 709(a) of this title (relating to the administration of the grant program).

(j) Annual report to Congress

By December 31, 2023, and annually thereafter, the Secretary shall submit to the Congress a written report on the grants made under this section for the then preceding fiscal year, which shall include—

(1) an eligible entity-by-eligible entity summary of the outcomes measured by the entity with respect to each benchmark described in subsection (e)(5) that apply to the entity;

(2) information regarding any technical assistance funded under subparagraph (B) or (C) of subsection (k)(2), including the type of any such assistance provided;

(3) information on the demographic makeup of families served by each such entity to the extent possible while respecting participant confidentiality, including race, ethnicity, educational attainment at enrollment, household income, and other demographic markers as determined by the Secretary;

(4) the information described in subsection (d)(1)(E);

(5) the estimated share of the eligible population served using grants made under this section;

(6) a description of each service delivery model funded under this section by the eligible entities in each State, and the share (if any) of the grants expended on each model;

(7) a description of non-Federal expenditures by eligible entities to qualify for matching funds under subsection (c)(4);

(8) information on the uses of funds reserved under subsection (k)(2)(C);

(9) information relating to those eligible entities for which funding is reserved under subsection (k)(2)(A), with modifications as necessary to reflect tribal data sovereignty, data privacy, and participant confidentiality; and

(10) a list of data elements collected from eligible entities, and the purpose of each data element in measuring performance or enforcing requirements under this section.

(k) Appropriations

(1) In general

Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this section—

(A) for fiscal year 2023, \$500,000,000 for base grants;

(B) for fiscal year 2024, \$550,000,000, of which \$500,000,000 shall be for base grants and \$50,000,000 shall be for matching grants;

(C) for fiscal year 2025, \$600,000,000, of which \$500,000,000 shall be for base grants and \$100,000,000 shall be for matching grants;

(D) for fiscal year 2026, \$650,000,000, of which \$500,000,000 shall be for base grants and \$150,000,000 shall be for matching grants; and

(E) for fiscal year 2027, \$800,000,000, of which \$500,000,000 shall be for base grants and \$300,000,000 shall be for matching grants.

(2) Reservations

Of each amount made available for base grants and each amount made available for matching grants appropriated under this subsection for a fiscal year (or portion of a fiscal year), the Secretary shall reserve—

(A) 6 percent of such amount for purposes of making and administering grants to eligible entities that are Indian Tribes (or a consortium of Indian Tribes), Tribal Organizations, or Urban Indian Organizations;

(B) 2 percent of such amount for purposes of providing technical assistance, directly or through grants or contracts—

(i) for purposes as otherwise described in subsections (c)(5), (d)(1)(C)(iii), (d)(1)(E)(iii), and (d)(4)(E); and

(ii) to entities referred to in subparagraph (A) of this paragraph;

(C) 2 percent of such amount for purposes of the provision of workforce support, retention, and case management, including workforce-related technical assistance, to eligible entities, research and evaluation, and program administration, directly or through grants or contracts, of which the Secretary shall use not more than \$1,500,000 to establish and operate the Jackie Walorski Center for Evidence-Based Case Management; and

(D) 3 percent of such amount for purposes of research and evaluation (directly or through grants or contracts), and for administering this section (directly, through contracts, or otherwise).

(3) Availability

(A) In general

Except as provided in subparagraph (B), funds made available to an eligible entity under this section for a fiscal year (or portion of a fiscal year) shall remain available for expenditure by the eligible entity through the end of the second succeeding fiscal year after award. Any funds that are not expended by the eligible entity during the period in which the funds are available under the preceding sentence may be used for grants to nonprofit organizations under subsection (h)(2)(B).

(B) Funds for pay for outcomes initiatives

Funds made available to an eligible entity under this section for a fiscal year (or portion of a fiscal year) for a pay for outcomes initiative shall remain available for expenditure by the eligible entity for not more than 10 years after the funds are so made available.

(4) Allocation of funds

To the extent that the grant amount awarded under this section to an eligible entity is determined on the basis of relative population or poverty considerations, the Secretary shall make the determination using the most accurate Federal data available for the eligible entity.

(5) Disposition of excess funds reserved for research, evaluation, and administration

To the extent that the amounts reserved under paragraph (2)(D) for a fiscal year are not obligated in the fiscal year, the Secretary may use the funds for any purpose described in this section or to offset any reduction with respect to this section that is required by Federal law.

(I) Definitions

In this section:

(1) Eligible entity**(A) In general**

The term “eligible entity” means a State, an Indian Tribe, Tribal Organization, or Urban Indian Organization, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa.

(B) Nonprofit organizations

Only for purposes of awarding grants under subsection (h)(2)(B), such term shall include a nonprofit organization with an established record of providing early childhood home visitation programs or initiatives in a State or several States.

(2) Eligible family

The term “eligible family” means—

(A) a woman who is pregnant, and the father of the child if the father is available; or

(B) a parent or primary caregiver of a child, including grandparents or other relatives of the child, and foster parents, who are serving as the child’s primary caregiver from birth to kindergarten entry, and including a noncustodial parent who has an ongoing relationship with, and at times provides physical care for, the child.

(3) Indian Tribe; Tribal Organization

The terms “Indian Tribe” and “Tribal Organization”, and “Urban Indian Organization” have the meanings given such terms in section 1603 of title 25.

(4) Pay for outcomes initiative

The term “pay for outcomes initiative” means a performance-based grant, contract, cooperative agreement, or other agreement awarded by a public entity in which a commitment is made to pay for improved outcomes achieved as a result of the intervention that result in social benefit and direct cost savings or cost avoidance to the public sector. Such an initiative shall include—

(A) a feasibility study that describes how the proposed intervention is based on evidence of effectiveness;

(B) a rigorous, third-party evaluation that uses experimental or quasi-experimental design or other research methodologies that allow for the strongest possible causal infer-

ences to determine whether the initiative has met its proposed outcomes as a result of the intervention;

(C) an annual, publicly available report on the progress of the initiative; and

(D) a requirement that payments are made to the recipient of a grant, contract, or cooperative agreement only when agreed upon outcomes are achieved, except that this requirement shall not apply with respect to payments to a third party conducting the evaluation described in subparagraph (B).

(Aug. 14, 1935, ch. 531, title V, §511, as added Pub. L. 111-148, title II, §2951, Mar. 23, 2010, 124 Stat. 334; amended Pub. L. 113-93, title II, §209, Apr. 1, 2014, 128 Stat. 1046; Pub. L. 114-10, title II, §218, Apr. 16, 2015, 129 Stat. 153; Pub. L. 115-123, div. E, title VI, §§50601-50606(a), 50607, Feb. 9, 2018, 132 Stat. 228-231; Pub. L. 117-328, div. FF, title VI, §6101(b)-(c)(3)(A), (c)(4)-(f)(2)(A), (g), (h)(1), Dec. 29, 2022, 136 Stat. 5953-5962.)

AMENDMENT OF SECTION

Pub. L. 117-328, div. FF, title VI, §6101(h)(1), (i)(2), Dec. 29, 2022, 136 Stat. 5962, 5964, provided that, effective Oct. 1, 2023, this section is amended:

(1) in subsection (d)—

(A) in paragraph (3)(C), by adding at the end the following:

“(vii) If the application submitted by the eligible entity includes the assurance described in subsection (e)(10)(C) with respect to the program, the program provides in-person service consistent with the assurances.”; and

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and inserting after paragraph (3) the following:

“(4) Virtual home visits

“(A) In general

A virtual home visit conducted under the program shall be considered a home visit for purposes of this section if the application for funding of the program submitted pursuant to this section most recently after the effective date of this paragraph includes the material described in subsection (e)(10).

“(B) Standards for training applicable to virtual service delivery

The standards for training requirements applicable to virtual service delivery under a home visiting model shall be equivalent to those that apply to in-person service delivery under the model.

“(C) Reporting requirement

A grant made under this section for the program may not be used for any virtual home visit during a year, unless the eligible entity to which the grant is made submits the report described in subsection (e)(8)(A) for the year.

“(D) Virtual home visit defined

In this section, the term ‘virtual home visit’ means a visit conducted solely by use of electronic information and telecommunications technologies.

“(E) Technical assistance

If the Secretary finds that an eligible entity has not complied with the assurance described

in subsection (e)(10)(C), the Secretary shall, directly or through grants, contracts, or cooperative agreements, provide the eligible entity with such technical assistance as is necessary to assist the eligible entity in doing so.”; and

(2) in subsection (e)—

(A) in paragraph (8)(A), by inserting “, including the number of virtual home visits conducted under the program in the year covered by the report, disaggregated with respect to each home visiting model under which the virtual home visits are conducted” before the semicolon; and

(B) by redesignating paragraph (10) as paragraph (11) and inserting after paragraph (9) the following:

(10) At the option of the eligible entity—

(A) a description of any limitations or constraints on virtual home visits under the program, including—

(i) a description of the plan of the eligible entity to encourage in-person home visits; and

(ii) a description of the considerations to be used in determining when a virtual home visit is appropriate, including client consent, client preference, geographic limitations, model fidelity, and hazardous conditions including public health emergencies, weather events, health concerns for home visitors and client families, and other local issues;

(B) an assurance that—

(i) the virtual home visit is implemented as a model enhancement; or

(ii) the Secretary has identified the home visit as part of an effective model or model adaptation, based on an evidence of effectiveness review conducted using the criteria established under subsection (d)(3)(A)(iii); and

(C) an assurance to the Secretary that at least 1 in-person home visit shall be conducted for each client family under the program during the 12-month period that begins with the entry of the client family into the program, and during each succeeding 12-month period, except that any such period in which a public health emergency declared under Federal law, or under the law of the State in which the program is conducted, is in effect shall be extended by the length of time in which the declaration is in effect.

See 2022 Amendment notes below.

Editorial Notes

REFERENCES IN TEXT

The Child Abuse Prevention and Treatment Act, referred to in subsec. (e)(9), is Pub. L. 93-247, Jan. 31, 1974, 88 Stat. 4. Title II of the Act is classified generally to subchapter III (§5116 et seq.) of chapter 67 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5101 of this title and Tables.

CODIFICATION

December 29, 2022, referred to in subssecs. (d)(1)(B)(i) and (h)(6)(B)(i), was in the original “the date of the enactment of this section” and “the date of the enactment of this Act”, respectively, and in both cases the quoted language was translated as meaning the date of enactment of Pub. L. 117-328, which added subssecs. (d)(1)(B) and (h)(6), to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 711, act Aug. 14, 1935, ch. 531, title V, §511, as added Jan. 2, 1968, Pub. L. 90-248, title III, §301, 81 Stat. 927, which related to training of personnel for health care and related services for mothers and children, was omitted in the general revision of this subchapter by Pub. L. 97-35, title XXI, §2192(a), Aug. 13, 1981, 95 Stat. 818.

Another prior section 711, acts Aug. 14, 1935, ch. 531, title V, §511, 49 Stat. 631; Aug. 10, 1939, ch. 666, title V, §504, 53 Stat. 1380; 1946 Reorg. Plan No. 2, §1, eff. July 16, 1946, 11 F.R. 7873, 60 Stat. 1095; Aug. 10, 1946, ch. 951, title IV, §401(b)(4), 60 Stat. 986; Aug. 28, 1950, ch. 809, title III, pt. 3, §331(c), pt. 6, §361(e), 64 Stat. 551, 558; Aug. 28, 1958, Pub. L. 85-840, title VI, §603(a), 72 Stat. 1055; Sept. 13, 1960, Pub. L. 86-778, title VII, §707(a)(2)(A), 74 Stat. 995; Oct. 24, 1963, Pub. L. 88-156, §3(a), 77 Stat. 273; July 30, 1965, Pub. L. 89-97, title II, §202(a), 79 Stat. 353, authorized appropriations, for services for crippled children, of \$25,000,000, \$30,000,000, \$35,000,000, \$45,000,000, \$50,000,000, \$55,000,000, and \$60,000,000 for fiscal years ending June 30, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970 and thereafter respectively, prior to the general amendment of title V of the Social Security Act by Pub. L. 90-248, §301, and was covered by former section 701 of this title.

Provisions similar to those comprising former section 711 were contained in section 516 of act Aug. 14, 1935, ch. 531, title V, as added July 30, 1965, Pub. L. 89-97, title II, §203(a), 79 Stat. 353 (formerly classified to section 716 of this title), prior to the general amendment and renumbering of title V of act Aug. 14, 1935, by Pub. L. 90-248, §301.

AMENDMENTS

2022—Subsec. (b)(1)(B)(iii). Pub. L. 117-328, §6101(f)(2)(A)(i), substituted “subsection (l)(2)” for “subsection (k)(2)”.

Subsec. (c)(4). Pub. L. 117-328, §6101(c)(1)(A), amended par. (4) generally. Prior to amendment, text read as follows: “The Secretary shall determine the period of years for which a grant is made to an eligible entity under paragraph (1).”

Subsec. (d)(1). Pub. L. 117-328, §6101(b)(1), substituted “benchmark areas related to individual family outcomes” for “benchmark areas” in heading.

Subsec. (d)(1)(B), (C). Pub. L. 117-328, §6101(b)(3), added subpar. (B) and redesignated former subpar. (B) as (C). Former subpar. (C) redesignated (D).

Subsec. (d)(1)(D). Pub. L. 117-328, §6101(b)(3), redesignated subpar. (C) as (D). Former par. (D) redesignated (E).

Subsec. (d)(1)(D)(i). Pub. L. 117-328, §6101(b)(2), substituted “(C)” for “(B)”.

Subsec. (d)(1)(E). Pub. L. 117-328, §6101(b)(3), redesignated subpar. (D) as (E).

Subsec. (d)(3)(B). Pub. L. 117-328, §6101(d), added subpar. (B). Former subpar. (B) redesignated (C).

Subsec. (d)(3)(C). Pub. L. 117-328, §6101(d), redesignated subpar. (B) as (C).

Subsec. (d)(3)(C)(vii). Pub. L. 117-328, §6101(h)(1)(C), added cl. (vii).

Subsec. (d)(4). Pub. L. 117-328, §6101(h)(1)(B), added par. (4). Former par. (4) redesignated (5).

Subsec. (d)(5). Pub. L. 117-328, §6101(h)(1)(B), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Pub. L. 117-328, §6101(e)(1), added par. (5).

Subsec. (d)(6). Pub. L. 117-328, §6101(h)(1)(B), redesignated par. (5) as (6).

Subsec. (e)(8)(A). Pub. L. 117-328, §6101(h)(1)(D), inserted “, including the number of virtual home visits conducted under the program in the year covered by the report, disaggregated with respect to each home visiting model under which the virtual home visits are conducted” before semicolon.

Subsec. (e)(10), (11). Pub. L. 117-328, §6101(h)(1)(A), added par. (10) and redesignated former par. (10) as (11).

Subsec. (f). Pub. L. 117-328, §6101(c)(1)(B), amended subsec. (f) generally. Prior to amendment, text read as

follows: “Funds provided to an eligible entity receiving a grant under this section shall supplement, and not supplant, funds from other sources for early childhood home visitation programs or initiatives.”

Subsec. (h)(2)(B). Pub. L. 117–328, § 6101(f)(2)(A)(ii), substituted “subsection (k)” for “subsection (j)” and “subsection (l)(1)(B)” for “subsection (k)(1)(B)” in introductory provisions.

Subsec. (h)(6). Pub. L. 117–328, § 6101(g), added par. (6).

Subsec. (i)(2)(C) to (G). Pub. L. 117–328, § 6101(e)(2), redesignated subpars. (D) to (G) as (C) to (F), respectively, and struck out former subpar. (C) which read as follows: “Section 704(d) of this title (relating to a limitation on administrative expenditures).”

Subsec. (j). Pub. L. 117–328, § 6101(f)(1), added subsec. (j). Former subsec. (j) redesignated (k).

Subsec. (j)(1). Pub. L. 117–328, § 6101(c)(3)(A), added subpars. (A) to (E) and struck out former subpars. (A) to (H) which read as follows:

- “(A) \$100,000,000 for fiscal year 2010;
- “(B) \$250,000,000 for fiscal year 2011;
- “(C) \$350,000,000 for fiscal year 2012;
- “(D) \$400,000,000 for fiscal year 2013;
- “(E) \$400,000,000 for fiscal year 2014;
- “(F) for fiscal year 2015, \$400,000,000;
- “(G) for fiscal year 2016, \$400,000,000; and
- “(H) for each of fiscal years 2017 through 2022, \$400,000,000.”

Subsec. (j)(2). Pub. L. 117–328, § 6101(c)(2)(A), substituted “each amount made available for base grants and each amount made available for matching grants” for “the amount” in introductory provisions.

Subsec. (j)(2)(A). Pub. L. 117–328, § 6101(c)(2)(B), substituted “6” for “3”, inserted “and administering” before “grants”, and struck out “and” at end.

Subsec. (j)(2)(B) to (D). Pub. L. 117–328, § 6101(c)(2)(C), added subpars. (B) to (D) and struck out former subpar. (B) which read as follows: “3 percent of such amount for purposes of carrying out subsections (d)(1)(B)(iii), (g), and (h)(3).”

Subsec. (j)(5). Pub. L. 117–328, § 6101(c)(4), added par. (5).

Subsecs. (k), (l). Pub. L. 117–328, § 6101(f)(1), redesignated subsecs. (j) and (k) as (k) and (l), respectively.

2018—Subsec. (b)(1). Pub. L. 115–123, § 50603, in introductory provisions, substituted “Each State shall, as a condition of receiving payments from an allotment for the State under section 702 of this title, conduct a statewide needs assessment (which may be separate from but in coordination with the statewide needs assessment required under section 705(a) of this title and which shall be reviewed and updated by the State not later than October 1, 2020)” for “Not later than 6 months after March 23, 2010, each State shall, as a condition of receiving payments from an allotment for the State under section 702 of this title for fiscal year 2011, conduct a statewide needs assessment (which shall be separate from the statewide needs assessment required under section 705(a) of this title)”.

Subsec. (c)(3) to (5). Pub. L. 115–123, § 50605(a), added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

Subsec. (d)(1)(A). Pub. L. 115–123, § 50602(a), struck out “each of” before “the following areas” in introductory provisions.

Subsec. (d)(1)(D). Pub. L. 115–123, § 50602(b), added subpar. (D).

Subsec. (d)(4)(A). Pub. L. 115–123, § 50604, inserted “, taking into account the staffing, community resource, and other requirements to operate at least one approved model of home visiting and demonstrate improvements for eligible families” before period at end.

Subsec. (e)(5). Pub. L. 115–123, § 50602(c), inserted “that the service delivery model or models selected by the entity are intended to improve” before period at end.

Subsec. (h)(4)(A). Pub. L. 115–123, § 50602(a), struck out “each of” before “the areas”.

Subsec. (h)(5). Pub. L. 115–123, § 50606(a), added par. (5).

Subsec. (j)(1)(H). Pub. L. 115–123, § 50601, substituted “each of fiscal years 2017 through 2022” for “fiscal year 2017”.

Subsec. (j)(3). Pub. L. 115–123, § 50605(c), designated existing provisions as subpar. (A) and inserted heading, substituted “Except as provided in subparagraph (B), funds” for “Funds”, and added subpar. (B).

Subsec. (j)(4). Pub. L. 115–123, § 50607, added par. (4).

Subsec. (k)(4). Pub. L. 115–123, § 50605(b), added par. (4).

2015—Subsec. (j)(1)(F) to (H). Pub. L. 114–10 substituted “for fiscal year 2015, \$400,000,000;” for “for the period beginning on October 1, 2014, and ending on March 31, 2015, an amount equal to the amount provided in subparagraph (E).” in subpar. (F) and added subpars. (G) and (H).

2014—Subsec. (j)(1)(F). Pub. L. 113–93, § 209(1), added subpar. (F).

Subsec. (j)(2), (3). Pub. L. 113–93, § 209(2), inserted “(or portion of a fiscal year)” after “for a fiscal year”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117–328, div. FF, title VI, § 6101(i), Dec. 29, 2022, 136 Stat. 5964, provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2), this section [amending this section and section 711a of this title and enacting provisions set out as notes under this section and section 1305 of this title] and the amendments made by this section shall take effect on October 1, 2022.

“(2) VIRTUAL HOME VISITING PROVISIONS.—The amendments made by subsection (h) [amending this section] shall take effect on October 1, 2023.”

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115–123, div. E, title VI, § 50606(b), Feb. 9, 2018, 132 Stat. 231, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date that is 2 years after the date of enactment of this Act [Feb. 9, 2018].”

TRANSITION RULE

Pub. L. 117–328, div. FF, title VI, § 6101(h)(2), Dec. 29, 2022, 136 Stat. 5964, provided that:

“(A) IN GENERAL.—A virtual home visit conducted before the effective date of the amendments made by this subsection [Oct. 1, 2023] under an early childhood home visitation program funded under section 511 of the Social Security Act [42 U.S.C. 711] shall be considered a home visit for purposes of such section.

“(B) VIRTUAL HOME VISIT DEFINED.—In subparagraph (A), the term ‘virtual home visit’ means a visit conducted solely by use of electronic information and telecommunications technologies.”

ALLOWING HOME VISITING PROGRAMS TO CONTINUE SERVING FAMILIES SAFELY

Pub. L. 116–260, div. X, § 10, Dec. 27, 2020, 134 Stat. 2416, provided that:

“(a) IN GENERAL.—For purposes of section 511 of the Social Security Act [42 U.S.C. 711], during the COVID–19 public health emergency period—

“(1) a virtual home visit shall be considered a home visit;

“(2) funding for, and staffing levels of, a program conducted pursuant to such section shall not be reduced on account of reduced enrollment in the program; and

“(3) funds provided for such a program may be used—

“(A) to train home visitors in conducting a virtual home visit and in emergency preparedness and response planning for families served, and may include training on how to safely conduct intimate partner violence screenings remotely, training on safety and planning for families served;

“(B) for the acquisition by families enrolled in the program of such technological means as are

needed to conduct and support a virtual home visit; and

“(C) to provide emergency supplies to families served, regardless of whether the provision of such supplies is within the scope of the approved program, such as diapers, formula, non-perishable food, water, hand soap, and hand sanitizer.

“(b) VIRTUAL HOME VISIT DEFINED.—In subsection (a), the term ‘virtual home visit’ means a home visit, as described in an applicable service delivery model, that is conducted solely by the use of electronic information and telecommunications technologies.

“(c) AUTHORITY TO DELAY DEADLINES.—

“(1) IN GENERAL.—The Secretary may extend the deadline by which a requirement of section 511 of the Social Security Act must be met, by such period of time as the Secretary deems appropriate, taking into consideration the impact of the COVID-19 public health emergency on eligible entity home visiting programs and the impact of families enrolled in home visiting programs. The Secretary may delay the deadline for submission, waive performance measures, or allow for alternative data sources to be used to show improvement in performance in the manner provided in section 511(d)(1) of such Act.

“(2) DELAY OF DEADLINE FOR STATEWIDE NEEDS ASSESSMENT.—The Secretary may delay the October 1, 2020, deadline for reviewing and updating any needs assessment required by section 511(b)(1) or 511(h)(2)(A) of the Social Security Act, but any such delay shall not affect the timing for, or amount of, any payment to the State involved from the fiscal year allotments available to the State under section 502(c) of such Act [42 U.S.C. 702(c)].

“(3) GUIDANCE.—The Secretary shall provide to eligible entities funded under section 511 of the Social Security Act information on the parameters used in extending a deadline under paragraph (1) or (2) of this subsection.

“(d) TIMELY RELEASE OF TITLE V FUNDS.—The authorities provided in this section shall not be interpreted to authorize or require any delay in the timely release of funds under title V of the Social Security Act [42 U.S.C. 701 et seq.].”

[For definitions of terms used in section 10 of div. X of Pub. L. 116-260, set out above, see section 2 of div. X of Pub. L. 116-260, set out as a note under section 629h of this title.]

§ 711a. Emergency assistance to families through home visiting programs

(a) Supplemental appropriation

In addition to amounts otherwise appropriated, out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary \$150,000,000, to remain available through September 30, 2022, to enable eligible entities to conduct programs in accordance with section 711 of this title and subsection (c) of this section.

(b) Eligibility for funds

To be eligible to receive funds made available by subsection (a) of this section, an entity shall—

(1) as of March 11, 2021, be conducting a program under section 711 of this title;

(2) ensure the modification of grants, contracts, and other agreements, as applicable, executed under section 711 of this title under which the program is conducted as are necessary to provide that, during the period that begins with March 11, 2021, and ends with the end of the 2nd succeeding fiscal year after the funds are awarded, the entity shall—

(A) not reduce funding for, or staffing levels of, the program on account of reduced enrollment in the program; and

(B) when using funds to provide emergency supplies to eligible families receiving grant services under section 711 of this title, ensure coordination with local diaper banks to the extent practicable; and

(3) reaffirm that, in conducting the program, the entity will focus on priority populations (as defined in section 711(d)(4) of this title).

(c) Uses of funds

An entity to which funds are provided under this section shall use the funds—

(1) to serve families with home visits or with virtual visits, that may be conducted by the use of electronic information and telecommunications technologies, in a service delivery model described in section 711(d)(3)(A) of this title;

(2) to pay hazard pay or other additional staff costs associated with providing home visits or administration for programs funded under section 711 of this title;

(3) to train home visitors employed by the entity in conducting a virtual home visit and in emergency preparedness and response planning for families served, and may include training on how to safely conduct intimate partner violence screenings, and training on safety and planning for families served to support the family outcome improvements listed in section 711(d)(2)(B) of this title;

(4) for the acquisition by families served by programs under section 711 of this title of such technological means as are needed to conduct and support a virtual home visit;

(5) to provide emergency supplies (such as diapers and diapering supplies including diaper wipes and diaper cream, necessary to ensure that a child using a diaper is properly cleaned and protected from diaper rash, formula, food, water, hand soap and hand sanitizer) to an eligible family (as defined in section 711(l)(2) of this title);

(6) to coordinate with and provide reimbursement for supplies to diaper banks when using such entities to provide emergency supplies specified in paragraph (5); or

(7) to provide prepaid grocery cards to an eligible family (as defined in section 711(l)(2) of this title) participating in the maternal, infant, and early childhood home visiting program under section 711 of this title for the purpose of enabling the family to meet the emergency needs of the family.

(Aug. 14, 1935, ch. 531, title V, §511A, as added Pub. L. 117-2, title IX, §9101, Mar. 11, 2021, 135 Stat. 123; amended Pub. L. 117-328, div. FF, title VI, §6101(f)(2)(B), Dec. 29, 2022, 136 Stat. 5962.)

Editorial Notes

AMENDMENTS

2022—Subsec. (c)(5), (7). Pub. L. 117-328 substituted “section 711(l)(2)” for “section 711(k)(2)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-328 effective Oct. 1, 2022, see section 6101(i)(1) of Pub. L. 117-328, set out as a note under section 711 of this title.