

meets the requirements described in subsection (d), the Federal medical assistance percentage applicable to amounts expended by the State for medical assistance for qualifying community-based mobile crisis intervention services furnished during such quarter shall be equal to 85 percent. In no case shall the application of the previous sentence result in the Federal medical assistance percentage applicable to amounts expended by a State for medical assistance for such qualifying community-based mobile crisis intervention services furnished during a quarter being less than the Federal medical assistance percentage that would apply to such amounts expended by the State for such services furnished during such quarter without application of the previous sentence.

#### (d) Requirements

The requirements described in this subsection are the following:

(1) The State demonstrates, to the satisfaction of the Secretary that it will be able to support the provision of qualifying community-based mobile crisis intervention services that meet the conditions specified in subsection (b).

(2) The State provides assurances satisfactory to the Secretary that—

(A) any additional Federal funds received by the State for qualifying community-based mobile crisis intervention services provided under this section that are attributable to the increased Federal medical assistance percentage under subsection (c) will be used to supplement, and not supplant, the level of State funds expended for such services for the fiscal year preceding the first fiscal quarter occurring during the period described in subsection (a);

(B) if the State made qualifying community-based mobile crisis intervention services available in a region of the State in such fiscal year, the State will continue to make such services available in such region under this section during each month occurring during the period described in subsection (a) for which the Federal medical assistance percentage under subsection (c) is applicable with respect to the State.

#### (e) Funding for state planning grants

There is appropriated, out of any funds in the Treasury not otherwise appropriated, \$15,000,000 to the Secretary for purposes of implementing, administering, and making planning grants to States as soon as practicable for purposes of developing a State plan amendment or section 1315, 1396n(b), or 1396n(c) of this title waiver request (or an amendment to such a waiver) to provide qualifying community-based mobile crisis intervention services under this section, to remain available until expended.

(Aug. 14, 1935, ch. 531, title XIX, §1947, as added Pub. L. 117-2, title IX, §9813, Mar. 11, 2021, 135 Stat. 213.)

## SUBCHAPTER XX—BLOCK GRANTS AND PROGRAMS FOR SOCIAL SERVICES AND ELDER JUSTICE

### Editorial Notes

#### CODIFICATION

2018—Pub. L. 115-123, div. E, title VIII, §50802(1), Feb. 9, 2018, 132 Stat. 269, substituted “AND PROGRAMS” for “TO STATES” in subchapter heading.

Pub. L. 111-148, title VI, §6703(a)(1)(A), Mar. 23, 2010, 124 Stat. 782, inserted “AND ELDER JUSTICE” after “SOCIAL SERVICES” in subchapter heading.

Division A—Block Grants to States for Social Services

### § 1397. Purposes of division; authorization of appropriations

For the purposes of consolidating Federal assistance to States for social services into a single grant, increasing State flexibility in using social service grants, and encouraging each State, as far as practicable under the conditions in that State, to furnish services directed at the goals of—

(1) achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

(2) achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

(3) preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating or reuniting families;

(4) preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and

(5) securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions,

there are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the purposes of this division.

(Aug. 14, 1935, ch. 531, title XX, §2001, as added Pub. L. 97-35, title XXIII, §2352(a), Aug. 13, 1981, 95 Stat. 867; amended Pub. L. 111-148, title VI, §6703(d)(1), Mar. 23, 2010, 124 Stat. 803.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 1397, act Aug. 14, 1935, ch. 531, title XX, §2001, as added Jan. 4, 1975, Pub. L. 93-647, §2, 88 Stat. 2337; amended June 17, 1980, Pub. L. 96-272, title II, §207(b), 94 Stat. 526, authorized appropriations to carry out former provisions of this subchapter, prior to the general revision of this subchapter by section 2352(a) of Pub. L. 97-35.

#### AMENDMENTS

2010—Pub. L. 111-148, §6703(d)(1)(B), which directed substitution of “this division” for “this subchapter” wherever appearing in subtitle 1 of title XX of act Aug. 14, 1935, was executed to the concluding provisions of this section, which is in subtitle A of title XX of act Aug. 14, 1935, to reflect the probable intent of Congress.

Pub. L. 111-148, §6703(d)(1)(A), substituted “division” for “subchapter” in section catchline.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Pub. L. 97-35, title XXIII, §2354, Aug. 13, 1981, 95 Stat. 874, provided that: "Except as otherwise explicitly provided, the provisions of this subtitle [subtitle C (§§2351-2355) of title XXIII of Pub. L. 97-35, see Short Title of 1981 Amendment note set out under section 1305 of this title] and the repeals and amendments made by this subtitle, shall become effective on October 1, 1981."

## STUDY OF STATE SOCIAL SERVICE PROGRAMS; REPORT TO CONGRESS

Pub. L. 97-35, title XXIII, §2355, Aug. 13, 1981, 95 Stat. 874, required Secretary of Health and Human Services to conduct a study to identify criteria and mechanisms which may be useful for States in assessing effectiveness and efficiency of State social service programs carried out with funds made available under this subchapter, such study to include consideration of Federal incentive payments as an option in rewarding States having high performance social service programs, and to report results of such study to Congress within one year after Aug. 13, 1981.

**§ 1397a. Payments to States****(a) Amount; covered services**

(1) Each State shall be entitled to payment under this division for each fiscal year in an amount equal to its allotment for such fiscal year, to be used by such State for services directed at the goals set forth in section 1397 of this title, subject to the requirements of this division.

(2) For purposes of paragraph (1)—

(A) services which are directed at the goals set forth in section 1397 of this title include, but are not limited to, child care services, protective services for children and adults, services for children and adults in foster care, services related to the management and maintenance of the home, day care services for adults, transportation services, family planning services, training and related services, employment services, information, referral, and counseling services, the preparation and delivery of meals, health support services and appropriate combinations of services designed to meet the special needs of children, the aged, the mentally retarded, the blind, the emotionally disturbed, the physically handicapped, and alcoholics and drug addicts; and

(B) expenditures for such services may include expenditures for—

(i) administration (including planning and evaluation);

(ii) personnel training and retraining directly related to the provision of those services (including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions); and

(iii) conferences or workshops, and training or retraining through grants to non-profit organizations within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 or to individuals with social services expertise, or through financial assistance to individuals participating in such conferences, workshops, and training or retraining (and this clause shall apply with respect to all persons involved in the delivery of such services).

**(b) Funding requirements**

The Secretary shall make payments in accordance with section 6503 of title 31 to each State from its allotment for use under this division.

**(c) Expenditure of funds**

Payments to a State from its allotment for any fiscal year must be expended by the State in such fiscal year or in the succeeding fiscal year.

**(d) Transfers of funds**

A State may transfer up to 10 percent of its allotment under section 1397b of this title for any fiscal year for its use for that year under other provisions of Federal law providing block grants for support of health services, health promotion and disease prevention activities, or low-income home energy assistance (or any combination of those activities). Amounts allotted to a State under any provisions of Federal law referred to in the preceding sentence and transferred by a State for use in carrying out the purposes of this division shall be treated as if they were paid to the State under this division but shall not affect the computation of the State's allotment under this division. The State shall inform the Secretary of any such transfer of funds.

**(e) Use of portion of funds**

A State may use a portion of the amounts described in subsection (a) for the purpose of purchasing technical assistance from public or private entities if the State determines that such assistance is required in developing, implementing, or administering programs funded under this division.

**(f) Authority to use vouchers**

A State may use funds provided under this division to provide vouchers, for services directed at the goals set forth in section 1397 of this title, to families, including—

(1) families who have become ineligible for assistance under a State program funded under part A of subchapter IV by reason of a durational limit on the provision of such assistance; and

(2) families denied cash assistance under the State program funded under part A of subchapter IV for a child who is born to a member of the family who is—

(A) a recipient of assistance under the program; or

(B) a person who received such assistance at any time during the 10-month period ending with the birth of the child.

(Aug. 14, 1935, ch. 531, title XX, §2002, as added Pub. L. 97-35, title XXIII, §2352(a), Aug. 13, 1981, 95 Stat. 867; amended Pub. L. 98-369, div. B, title VI, §2663(h)(1), July 18, 1984, 98 Stat. 1169; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 104-193, title IX, §908(b), Aug. 22, 1996, 110 Stat. 2351; Pub. L. 111-148, title VI, §6703(d)(1)(B), Mar. 23, 2010, 124 Stat. 803.)

**Editorial Notes**

## REFERENCES IN TEXT

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (a)(2)(B)(iii), is classified to section 501 of Title 26, Internal Revenue Code.

## PRIOR PROVISIONS

A prior section 1397a, acts Aug. 14, 1935, ch. 531, title XX, §2002, as added Jan. 4, 1975, Pub. L. 93-647, §2, 88

Stat. 2337; amended Oct. 21, 1975, Pub. L. 94-120, §4(b), 89 Stat. 609; Sept. 7, 1976, Pub. L. 94-401, §§1(a)-(c), 5(a), 90 Stat. 1215, 1218; June 30, 1977, Pub. L. 95-59, §5, 91 Stat. 255; Oct. 25, 1977, Pub. L. 95-142, §§3(d)(2), 8(d), 91 Stat. 1179, 1195; Nov. 6, 1978, Pub. L. 95-600, title VIII, §801(a), 92 Stat. 2944; Oct. 17, 1979, Pub. L. 96-88, title V, §509(b), 93 Stat. 695; Jan. 2, 1980, Pub. L. 96-178, §4(a), (c), 93 Stat. 1296, 1297; June 17, 1980, Pub. L. 96-272, title I, §103(e), title II, §§201-204(a), 205(a), 206(e), 207(a), 94 Stat. 521-525; Dec. 5, 1980, Pub. L. 96-499, title X, §1001(a), 94 Stat. 2655, related to payments to States and computation of amounts, prior to the general revision of this subchapter by section 2352(a) of Pub. L. 97-35.

#### AMENDMENTS

2010—Pub. L. 111-148, which directed substitution of “this division” for “this subchapter” wherever appearing in subtitle 1 of title XX of act Aug. 14, 1935, was executed by making the substitution wherever appearing in this section, which is in subtitle A of title XX of act Aug. 14, 1935, to reflect the probable intent of Congress.

1996—Subsec. (f). Pub. L. 104-193 added subsec. (f).

1986—Subsec. (a)(2)(B)(iii). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

1984—Subsec. (b). Pub. L. 98-369 substituted “section 6503 of title 31” for “section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213)”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective July 18, 1984, but not to be construed as changing or affecting any right, liability, status, or interpretation which existed (under the provisions of law involved) before that date, see section 2664(b) of Pub. L. 98-369, set out as a note under section 401 of this title.

#### TEMPORARY SUSPENSION OF CHILD DAY CARE SERVICES REQUIREMENTS

Pub. L. 96-499, title X, §1001(b), Dec. 5, 1980, 94 Stat. 2655, provided that the provisions of Pub. L. 93-647, §3(f), Jan. 4, 1975, 88 Stat. 2349, set out as a note below, not apply with respect to child day care services provided after June 30, 1980, and prior to July 1, 1981, which met applicable standards of State and local law.

#### REIMBURSEMENT OF EXPENDITURES FOR SOCIAL SERVICES PROVIDED BY STATES PRIOR TO OCTOBER 1, 1975; AUTHORIZATION OF APPROPRIATIONS; PROCEDURES APPLICABLE TO PAYMENT OF UNPAID CLAIMS OF STATES

Pub. L. 95-291, June 12, 1978, 92 Stat. 304, authorized appropriations for payments to States in settlement of unpaid claims of States against the United States for reimbursement of expenditures made by States prior to Oct. 1, 1975, for services and administrative costs under a State plan pursuant to specific subchapters of this chapter, provided schedules for payment of a claim asserted prior to the ninety-first day after June 12, 1978, depending on when the claim was asserted, barred other claims and certain claims of the United States for recovery, provided for review of determinations, barred judicial review, and provided for allotment of appropriations for claims.

#### PAYMENTS TO STATES FOR FISCAL PERIOD BEGINNING JULY 1, 1976, AND ENDING SEPTEMBER 30, 1976, AND FISCAL YEARS ENDING SEPTEMBER 30, 1977, 1978, AND 1979, COMPUTATION AMOUNTS, LIMITATIONS, ETC.

Pub. L. 94-401, §3, Sept. 7, 1976, 90 Stat. 1215, as amended by Pub. L. 95-171, §1(a), Nov. 12, 1977, 91 Stat. 1353; Pub. L. 95-600, title VIII, §801(b), Nov. 6, 1978, 92 Stat. 2944; Pub. L. 96-178, §3(b)-(f), Jan. 2, 1980, 93 Stat. 1296, provided for computation of amounts of payments to States under this subchapter for the fiscal period beginning July 1, 1976, and ending Sept. 30, 1976, and fiscal

years ending Sept. 30, 1977, 1978, and 1979, limitations on such amounts, and a limit on the total amount of Federal payments made to States in any such fiscal year under this subchapter.

#### REQUIREMENTS OF CHILD DAY CARE SERVICES

Pub. L. 93-647, §3(f), Jan. 4, 1975, 88 Stat. 2349, which provided for requirements of child day care services, was repealed by Pub. L. 97-35, title XXIII, §2353(s), Aug. 13, 1981, 97 Stat. 874.

#### § 1397b. Allotments

##### (a) Computation of amounts for jurisdictions of Puerto Rico, Guam, etc.

The allotment for any fiscal year to each of the jurisdictions of Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands shall be an amount which bears the same ratio to the amount specified in subsection (c) as the amount which was specified for allocation to the particular jurisdiction involved for the fiscal year 1981 under section 1397a(a)(2)(C) of this title (as in effect prior to Aug. 13, 1981) bore to \$2,900,000,000. The allotment for fiscal year 1989 and each succeeding fiscal year to American Samoa shall be an amount which bears the same ratio to the amount allotted to the Northern Mariana Islands for that fiscal year as the population of American Samoa bears to the population of the Northern Mariana Islands determined on the basis of the most recent data available at the time such allotment is determined.

##### (b) Computation of amounts for each State other than jurisdictions of Puerto Rico, Guam, etc.

The allotment for any fiscal year for each State other than the jurisdictions of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands shall be an amount which bears the same ratio to—

- (1) the amount specified in subsection (c), reduced by
- (2) the total amount allotted to those jurisdictions for that fiscal year under subsection (a),

as the population of that State bears to the population of all the States (other than Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands) as determined by the Secretary (on the basis of the most recent data available from the Department of Commerce) and promulgated prior to the first day of the third month of the preceding fiscal year.

##### (c) Appropriations

The amount specified for purposes of subsections (a) and (b) shall be—

- (1) \$2,400,000,000 for the fiscal year 1982;
- (2) \$2,450,000,000 for the fiscal year 1983;
- (3) \$2,700,000,000 for the fiscal years 1984, 1985, 1986, 1987, and 1989;
- (4) \$2,750,000,000 for the fiscal year 1988;
- (5) \$2,800,000,000 for each of the fiscal years 1990 through 1995;
- (6) \$2,381,000,000 for the fiscal year 1996;
- (7) \$2,380,000,000 for the fiscal year 1997;
- (8) \$2,299,000,000 for the fiscal year 1998;
- (9) \$2,380,000,000 for the fiscal year 1999;
- (10) \$2,380,000,000 for the fiscal year 2000; and

(11) \$1,700,000,000 for the fiscal year 2001 and each fiscal year thereafter.

(Aug. 14, 1935, ch. 531, title XX, §2003, as added Pub. L. 97-35, title XXIII, §2352(a), Aug. 13, 1981, 95 Stat. 868; amended Pub. L. 97-248, title I, §160(b), Sept. 3, 1982, 96 Stat. 400; Pub. L. 98-135, title II, §204, Oct. 24, 1983, 97 Stat. 861; Pub. L. 99-514, title XVIII, §1883(e)(1), Oct. 22, 1986, 100 Stat. 2919; Pub. L. 100-203, title IX, §§9134(a), 9135(a)(2), Dec. 22, 1987, 101 Stat. 1330-315; Pub. L. 101-239, title VIII, §8016, Dec. 19, 1989, 103 Stat. 2470; Pub. L. 104-193, title IX, §908(a), Aug. 22, 1996, 110 Stat. 2350; Pub. L. 105-178, title VIII, §8401(a), June 9, 1998, 112 Stat. 498; Pub. L. 105-277, div. A, §101(f) [title II, §214(a)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-361.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1397b, act Aug. 14, 1935, ch. 531, title XX, §2003, as added Jan. 4, 1975, Pub. L. 93-647, §2, 88 Stat. 2343; amended Oct. 21, 1975, Pub. L. 94-120, §4(a), 89 Stat. 609; Oct. 25, 1977, Pub. L. 95-142, §3(d)(1), 91 Stat. 1179; June 9, 1980, Pub. L. 96-265, title IV, §403(b), 94 Stat. 462; June 17, 1980, Pub. L. 96-272, title II, §206(c), (d), 94 Stat. 525; Oct. 19, 1980, Pub. L. 96-473, §6(l), 94 Stat. 2266; Dec. 5, 1980, Pub. L. 96-499, title IX, §913(e), 94 Stat. 2620, related to State programs for social services assistance, prior to the general revision of this subchapter by section 2352(a) of Pub. L. 97-35.

##### AMENDMENTS

1998—Subsec. (c)(7). Pub. L. 105-178 added par. (7) and struck out former par. (7) which read as follows: “\$2,380,000,000 for each of the fiscal years 1997 through 2002; and”.

Subsec. (c)(8). Pub. L. 105-277 added par. (8) and struck out former par. (8) which read as follows: “\$2,380,000,000 for the fiscal year 1998;”.

Pub. L. 105-178 added par. (8) and struck out former par. (8) which read as follows: “\$2,800,000,000 for the fiscal year 2003 and each succeeding fiscal year.”

Subsec. (c)(9) to (11). Pub. L. 105-178 added pars. (9) to (11).

1996—Subsec. (c)(5) to (8). Pub. L. 104-193 added pars. (5) to (8) and struck out former par. (5) which read as follows: “\$2,800,000,000 for each fiscal year after fiscal year 1989.”

1989—Subsec. (c)(3). Pub. L. 101-239, §8016(1), substituted “1987, and 1989;” for “and 1987, and for each succeeding fiscal year other than the fiscal year 1988; and”.

Subsec. (c)(5). Pub. L. 101-239, §8016(2), (3), added par. (5).

1987—Subsec. (a). Pub. L. 100-203, §9135(a)(2)(A), inserted at end “The allotment for fiscal year 1989 and each succeeding fiscal year to American Samoa shall be an amount which bears the same ratio to the amount allotted to the Northern Mariana Islands for that fiscal year as the population of American Samoa bears to the population of the Northern Mariana Islands determined on the basis of the most recent data available at the time such allotment is determined.”

Subsec. (b). Pub. L. 100-203, §9135(a)(2)(B), inserted “American Samoa,” after “the Virgin Islands,” in two places.

Subsec. (c)(2). Pub. L. 100-203, §9134(a)(A), struck out “and” after “1983;”.

Subsec. (c)(3). Pub. L. 100-203, §9134(a)(B), substituted “years 1984, 1985, 1986, and 1987, and for each succeeding fiscal year other than the fiscal year 1988; and” for “year 1984 and each succeeding fiscal year.”

Subsec. (c)(4). Pub. L. 100-203, §9134(a)(C), added par. (4).

1986—Subsec. (b). Pub. L. 99-514, §1883(e)(1)(B), struck out “(subject to subsection (d) of this section)” after “promulgated”.

Subsec. (d). Pub. L. 99-514, §1883(e)(1)(A), struck out subsec. (d) which read as follows: “The determination and promulgation required by subsection (b) of this section with respect to the fiscal year 1982 shall be made as soon as possible after August 13, 1981.”

1983—Subsec. (c)(3). Pub. L. 98-135 substituted “\$2,700,000,000 for the fiscal year 1984 and each succeeding fiscal year.” for “\$2,500,000,000 for the fiscal year 1984;”.

Subsec. (c)(4), (5). Pub. L. 98-135 struck out pars. (4) and (5) which provided, respectively, for an amount of \$2,600,000,000 for fiscal year 1985 and \$2,700,000,000 for fiscal year 1986 and succeeding fiscal years.

1982—Subsec. (b). Pub. L. 97-248 inserted “(other than Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands)” in provisions following cl. (2).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1998 AMENDMENTS

Pub. L. 105-277, div. A, §101(f) [title II, §214(b)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-361, provided that: “The amendment made by this section [amending this section] takes effect immediately after the amendments made by section 8401 of the Transportation Equity Act for the 21st Century take effect [Pub. L. 105-178].”

Amendment by Pub. L. 105-178 effective Oct. 1, 1998, see section 8401(c) of Pub. L. 105-178, set out as a note under section 604 of this title.

##### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by section 9135(a)(2) of Pub. L. 100-203 applicable with respect to fiscal years beginning on or after Oct. 1, 1988, see section 9135(c) of Pub. L. 100-203, set out as a note under section 623 of this title.

##### EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-248 effective Oct. 1, 1981, see section 160(e) of Pub. L. 97-248, set out as a note under section 1301 of this title.

##### REQUIREMENT THAT ADDITIONAL FUNDS SUPPLEMENT AND NOT SUPPLANT FUNDS AVAILABLE FROM OTHER SOURCES

Pub. L. 100-203, title IX, §9134(b), Dec. 22, 1987, 101 Stat. 1330-315, provided that: “The additional \$50,000,000 made available to the States for the fiscal year 1988 pursuant to the amendments made by subsection (a) [amending this section] shall—

“(A) be used only for the purpose of providing additional services under title XX of the Social Security Act [42 U.S.C. 1397 et seq.]; and

“(B) be expended only to supplement the level of any funds that would, in the absence of the additional funds appropriated pursuant to such amendments, be available from other sources (including any amounts available under title XX of the Social Security Act without regard to such amendments) for services in accordance with such title, and shall in no case supplant such funds from other sources or reduce the level thereof.”

##### APPROPRIATIONS

Pub. L. 98-473, title IV, §401, Oct. 12, 1984, 98 Stat. 2195, provided that:

“(a)(1) Notwithstanding any provision of title XX of the Social Security Act [42 U.S.C. 1397 et seq.], the amount applicable under section 2003(c)(3) of such Act [42 U.S.C. 1397b(c)(3)] shall be \$2,725,000,000 for fiscal year 1985. Of such amount, \$25,000,000 shall be allotted and used in accordance with this section.

“(2) In addition to any other amounts appropriated under this resolution [Pub. L. 98-473] or any Act, there are hereby appropriated \$25,000,000 for fiscal year 1985, for carrying out title XX of the Social Security Act, to be used in accordance with the provisions of this section.

“(3) Amounts appropriated under this section shall remain available until September 30, 1985, without regard to section 102 of this resolution.

“(4) Except as otherwise provided in this section, each State’s allotment of the additional amounts authorized and appropriated under this section shall be the same proportion of \$25,000,000 as such State’s proportional allotment of other title XX funds for fiscal year 1985, as determined under section 2003 of the Social Security Act [42 U.S.C. 1397b].

“(b) The additional \$25,000,000 made available to the States for fiscal year 1985 pursuant to subsection (a) shall—

“(1) be used only for the purpose of providing training and retraining (including training in the prevention of child abuse in child care settings) to providers of licensed or registered child care services, operators and staffs (including those receiving in-service training) of facilities where licensed or registered child care services are provided, State licensing and enforcement officials, and parents;

“(2) be expended only to supplement the level of any funds that would, in the absence of the additional funds appropriated under this section, be available from other sources (including any amounts available under title XX of the Social Security Act [42 U.S.C. 1397 et seq.] without regard to this section) for the purpose specified in paragraph (1), and shall in no case supplant such funds from other sources or reduce the level thereof; and

“(3) be separately accounted for in the reports and audits provided for in section 2006 of the Social Security Act [42 U.S.C. 1397e].

“(c)(1) In order to provide guidance and assistance to the States in utilizing funds allocated pursuant to title XX of the Social Security Act [42 U.S.C. 1397 et seq.], not later than 3 months after the date of enactment of this section [Oct. 12, 1984], the Secretary shall draft and distribute to the States for their consideration, a Model Child Care Standards Act containing—

“(A) minimum licensing or registration standards for day care centers, group homes, and family day care homes regarding matters including—

“(i) the training, development, supervision, and evaluation of staff;

“(ii) staff qualification requirements, by job classification;

“(iii) staff-child ratios;

“(iv) probation periods for new staff;

“(v) employment history checks for staff; and

“(vi) parent visitation; and

“(2)(A) Any State receiving an allotment under such title from the funds made available as a result of subsection (a) shall have in effect, not later than September 30, 1985—

“(i) procedures, established by State law or regulation, to provide for employment history and background checks; and

“(ii) provisions of State law, enacted in accordance with the provisions of Public Law 92-544 (86 Stat. 115) [86 Stat. 1115, 34 U.S.C. 41101] requiring nationwide criminal record checks

for all operators, staff or employees, or prospective operators, staff or employees of child care facilities (including any facility or program having primary custody of children for 20 hours or more per week), juvenile detention, correction or treatment facilities, with the objective of protecting the children involved and promoting such children’s safety and welfare while receiving service through such facilities or programs.

“(B) In the case of any State not meeting the requirements of subparagraph (A) by September 30, 1985, such State’s allotment for fiscal year 1986 or 1987 shall be reduced in the aggregate by an amount equal to one-half of the amount by which such State’s allotment under such title was increased for fiscal year 1985 as a result of subsection (a).

“(d) The determination and promulgation required by section 2003(b) of the Social Security Act [42 U.S.C. 1397b(b)] with respect to the fiscal year 1985 (to take into account the preceding provisions of this section) shall be made as soon as possible after the date of the enactment of this Act [Oct. 12, 1984].”

### § 1397c. State reporting requirements

Prior to expenditure by a State of payments made to it under section 1397a of this title for any fiscal year, the State shall report on the intended use of the payments the State is to receive under this division, including information on the types of activities to be supported and the categories or characteristics of individuals to be served. The report shall be transmitted to the Secretary and made public within the State in such manner as to facilitate comment by any person (including any Federal or other public agency) during development of the report and after its completion. The report shall be revised throughout the year as may be necessary to reflect substantial changes in the activities assisted under this division, and any revision shall be subject to the requirements of the previous sentence.

(Aug. 14, 1935, ch. 531, title XX, § 2004, as added Pub. L. 97-35, title XXIII, § 2352(a), Aug. 13, 1981, 95 Stat. 869; amended Pub. L. 111-148, title VI, § 6703(d)(1)(B), Mar. 23, 2010, 124 Stat. 803.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 1397c, act Aug. 14, 1935, ch. 531, title XX, § 2004, as added Jan. 4, 1975, Pub. L. 93-647, § 2, 88 Stat. 2346; amended June 17, 1980, Pub. L. 96-272, title II, § 206(a), (b), 94 Stat. 525, related to services program planning, prior to the general revision of this subchapter by section 2352(a) of Pub. L. 97-35.

#### AMENDMENTS

2010—Pub. L. 111-148, which directed substitution of “this division” for “this subchapter” wherever appearing in subtitle 1 of title XX of act Aug. 14, 1935, was executed by making the substitution in two places in this section, which is in subtitle A of title XX act Aug. 14, 1935, to reflect the probable intent of Congress.

### § 1397d. Limitation on use of grants; waiver

(a) Except as provided in subsection (b), grants made under this division may not be used by the State, or by any other person with which the State makes arrangements to carry out the purposes of this division—

(1) for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than minor remodeling) of any building or other facility;

(2) for the provision of cash payments for costs of subsistence or for the provision of room and board (other than costs of subsistence during rehabilitation, room and board provided for a short term as an integral but subordinate part of a social service, or temporary emergency shelter provided as a protective service);

(3) for payment of the wages of any individual as a social service (other than payment of the wages of welfare recipients employed in the provision of child day care services);

(4) for the provision of medical care (other than family planning services, rehabilitation services, or initial detoxification of an alcoholic or drug dependent individual) unless it is an integral but subordinate part of a social service for which grants may be used under this division;

(5) for social services (except services to an alcoholic or drug dependent individual or rehabilitation services) provided in and by employees of any hospital, skilled nursing facility, intermediate care facility, or prison, to any individual living in such institution;

(6) for the provision of any educational service which the State makes generally available to its residents without cost and without regard to their income;

(7) for any child day care services unless such services meet applicable standards of State and local law;

(8) for the provision of cash payments as a service (except as otherwise provided in this section);

(9) for payment for any item or service (other than an emergency item or service) furnished—

(A) by an individual or entity during the period when such individual or entity is excluded under this division or subchapter V, XVIII, or XIX pursuant to section 1320a-7, 1320a-7a, 1320c-5, or 1395u(j)(2) of this title, or

(B) at the medical direction or on the prescription of a physician during the period when the physician is excluded under this division or subchapter V, XVIII, or XIX pursuant to section 1320a-7, 1320a-7a, 1320c-5, or 1395u(j)(2) of this title and when the person furnishing such item or service knew or had reason to know of the exclusion (after a reasonable time period after reasonable notice has been furnished to the person); or

(10) in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997 [42 U.S.C. 14401 et seq.].

(b) The Secretary may waive the limitation contained in subsection (a)(1) and (4) upon the State's request for such a waiver if he finds that the request describes extraordinary circumstances to justify the waiver and that permitting the waiver will contribute to the State's ability to carry out the purposes of this division.

(Aug. 14, 1935, ch. 531, title XX, §2005, as added Pub. L. 97-35, title XXIII, §2352(a), Aug. 13, 1981, 95 Stat. 869; amended Pub. L. 100-93, §8(i), Aug. 18, 1987, 101 Stat. 695; Pub. L. 100-203, title IV, §411(e)(13), Dec. 22, 1987, as added Pub. L. 100-360, title IV, §411(k)(10)(D), July 1, 1988, 102 Stat. 796; Pub. L. 100-485, title VI, §608(d)(26)(K)(ii), Oct. 13, 1988, 102 Stat. 2422; Pub. L. 105-12, §9(c), Apr. 30, 1997, 111 Stat. 27; Pub. L. 111-148, title VI, §6703(d)(1)(B), Mar. 23, 2010, 124 Stat. 803.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Assisted Suicide Funding Restriction Act of 1997, referred to in subsec. (a)(10), is Pub. L. 105-12, Apr. 30, 1997, 111 Stat. 23, which is classified principally to chapter 138 (§14401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 14401 of this title and Tables.

##### PRIOR PROVISIONS

A prior section 1397d, act Aug. 14, 1935, ch. 531, title XX, §2005, as added Jan. 4, 1975, Pub. L. 93-647, §2, 88 Stat. 2347; amended June 17, 1980, Pub. L. 96-272, title

II, §206(d), 94 Stat. 525, related to effective date of implementing regulations, prior to the general revision of this subchapter by section 2352(a) of Pub. L. 97-35.

#### AMENDMENTS

2010—Pub. L. 111-148, which directed substitution of “this division” for “this subchapter” wherever appearing in subtitle 1 of title XX of act Aug. 14, 1935, was executed by making the substitution wherever appearing in this section, which is in subtitle A of title XX act Aug. 14, 1935, to reflect the probable intent of Congress.

1997—Subsec. (a)(10). Pub. L. 105-12 added par. (10).

1988—Subsec. (a)(9)(A), (B). Pub. L. 100-360, §411(k)(10)(D), as amended by Pub. L. 100-485, §608(d)(26)(K)(ii), added Pub. L. 100-203, §411(e)(13), see 1987 Amendment note below.

1987—Subsec. (a)(9). Pub. L. 100-93 added par. (9).

Subsec. (a)(9)(A), (B). Pub. L. 100-203, §411(e)(13), as added by Pub. L. 100-360, §411(k)(10)(D), as amended by Pub. L. 100-485, §608(d)(26)(K)(ii), substituted “under this subchapter or subchapter V, XVIII, or XIX pursuant to section 1320a-7, 1320a-7a, 1320c-5, or 1395u(j)(2) of this title” for “pursuant to section 1320a-7 of this title or section 1320a-7a of this title from participation in the program under this subchapter”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-12 effective Apr. 30, 1997, and applicable to Federal payments made pursuant to obligations incurred after Apr. 30, 1997, for items and services provided on or after such date, subject to also being applicable with respect to contracts entered into, renewed, or extended after Apr. 30, 1997, as well as contracts entered into before Apr. 30, 1997, to the extent permitted under such contracts, see section 11 of Pub. L. 105-12, set out as an Effective Date note under section 14401 of this title.

##### EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by Pub. L. 100-485 effective as if included in the enactment of the Medicare Catastrophic Coverage Act of 1988, Pub. L. 100-360, see section 608(g)(1) of Pub. L. 100-485, set out as a note under section 704 of this title.

Except as specifically provided in section 411 of Pub. L. 100-360, amendment by Pub. L. 100-360, as it relates to a provision in the Omnibus Budget Reconciliation Act of 1987, Pub. L. 100-203, effective as if included in the enactment of that provision in Pub. L. 100-203, see section 411(a) of Pub. L. 100-360, set out as a Reference to OBRA; Effective Date note under section 106 of Title 1, General Provisions.

##### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-93 effective at end of fourteen-day period beginning Aug. 18, 1987, and inapplicable to administrative proceedings commenced before end of such period, see section 15(a) of Pub. L. 100-93, set out as a note under section 1320a-7 of this title.

#### § 1397e. Administrative and fiscal accountability

##### (a) Reporting requirements; form, contents, etc.

Each State shall prepare reports on its activities carried out with funds made available (or transferred for use) under this division. Reports shall be prepared annually, covering the most recently completed fiscal year, and shall be in such form and contain such information (including but not limited to the information specified in subsection (c)) as the State finds necessary to provide an accurate description of such activities, to secure a complete record of the purposes for which funds were spent, and to determine the extent to which funds were spent in a manner

consistent with the reports required by section 1397c of this title. The State shall make copies of the reports required by this section available for public inspection within the State and shall transmit a copy to the Secretary. Copies shall also be provided, upon request, to any interested public agency, and each such agency may provide its views on these reports to the Congress.

**(b) Audits; implementation, etc.**

Each State shall, not less often than every two years, audit its expenditures from amounts received (or transferred for use) under this division. Such State audits shall be conducted by an entity independent of any agency administering activities funded under this division, in accordance with generally accepted auditing principles. Within 30 days following the completion of each audit, the State shall submit a copy of that audit to the legislature of the State and to the Secretary. Each State shall repay to the United States amounts ultimately found not to have been expended in accordance with this division, or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this division.

**(c) State reports on expenditure and use of social services funds**

Each report prepared and transmitted by a State under subsection (a) shall set forth (with respect to the fiscal year covered by the report)—

(1) the number of individuals who received services paid for in whole or in part with funds made available under this division, showing separately the number of children and the number of adults who received such services, and broken down in each case to reflect the types of services and circumstances involved;

(2) the amount spent in providing each such type of service, showing separately for each type of service the amount spent per child recipient and the amount spent per adult recipient;

(3) the criteria applied in determining eligibility for services (such as income eligibility guidelines, sliding fee scales, the effect of public assistance benefits, and any requirements for enrollment in school or training programs); and

(4) the methods by which services were provided, showing separately the services provided by public agencies and those provided by private agencies, and broken down in each case to reflect the types of services and circumstances involved.

The Secretary shall establish uniform definitions of services for use by the States in preparing the information required by this subsection, and make such other provision as may be necessary or appropriate to assure that compliance with the requirements of this subsection will not be unduly burdensome on the States.

**(d) Additional accounting requirements**

For other provisions requiring States to account for Federal grants, see section 6503 of title 31.

(Aug. 14, 1935, ch. 531, title XX, §2006, as added Pub. L. 97-35, title XXIII, §2352(a), Aug. 13, 1981,

95 Stat. 870; amended Pub. L. 98-369, div. B, title VI, §2663(h)(2), July 18, 1984, 98 Stat. 1169; Pub. L. 100-485, title VI, §607, Oct. 13, 1988, 102 Stat. 2410; Pub. L. 111-148, title VI, §6703(d)(1)(B), Mar. 23, 2010, 124 Stat. 803.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 1397e, act Aug. 14, 1935, ch. 531, title XX, §2006, as added Jan. 4, 1975, Pub. L. 93-647, §2, 88 Stat. 2347, related to program evaluation and assistance, prior to the general revision of this subchapter by section 2352(a) of Pub. L. 97-35.

A prior section 1397e-1, act Aug. 14, 1935, ch. 531, title XX, §2007, as added Jan. 2, 1980, Pub. L. 96-178, §4(b), 93 Stat. 1296, related to child day care services, prior to the general revision of this subchapter by section 2352(a) of Pub. L. 97-35. See section 1397f of this title.

**AMENDMENTS**

2010—Pub. L. 111-148, which directed substitution of “this division” for “this subchapter” wherever appearing in subtitle 1 of title XX of act Aug. 14, 1935, was executed by making the substitution wherever appearing in this section, which is in subtitle A of title XX act Aug. 14, 1935, to reflect the probable intent of Congress.

1988—Subsec. (a). Pub. L. 100-485, §607(1), substituted “Reports shall be prepared annually, covering the most recently completed fiscal year, and shall be in such form and contain such information (including but not limited to the information specified in subsection (c))” for “Reports shall be in such form, contain such information, and be of such frequency (but not less often than every two years)” in second sentence.

Subsecs. (c), (d). Pub. L. 100-485, §607(3), added subsec. (c) and redesignated former subsec. (c) as (d).

1984—Subsec. (c). Pub. L. 98-369 substituted “section 6503 of title 31” for “section 202 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4212)”.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 1984 AMENDMENT**

Amendment by Pub. L. 98-369 effective July 18, 1984, but not to be construed as changing or affecting any right, liability, status, or interpretation which existed (under the provisions of law involved) before that date, see section 2664(b) of Pub. L. 98-369, set out as a note under section 401 of this title.

**§ 1397f. Additional grants**

**(a) Entitlement**

**(1) In general**

In addition to any payment under section 1397a of this title, each State shall be entitled to—

(A) 2 grants under this section for each qualified empowerment zone in the State; and

(B) 1 grant under this section for each qualified enterprise community in the State.

**(2) Amount of grants**

**(A) Empowerment grants**

The amount of each grant to a State under this section for a qualified empowerment zone shall be—

(i) if the zone is designated in an urban area, \$50,000,000, multiplied by that proportion of the population of the zone that resides in the State; or

(ii) if the zone is designated in a rural area, \$20,000,000, multiplied by such proportion.

**(B) Enterprise grants**

The amount of the grant to a State under this section for a qualified enterprise community shall be  $\frac{1}{5}$  of \$280,000,000, multiplied by that proportion of the population of the community that resides in the State.

**(C) Population determinations**

The Secretary shall make population determinations for purposes of this paragraph based on the most recent decennial census data available.

**(3) Timing of grants****(A) Qualified empowerment zones**

With respect to each qualified empowerment zone, the Secretary shall make—

(i) 1 grant under this section to each State in which the zone lies, on the date of the designation of the zone under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986; and

(ii) 1 grant under this section to each such State, on the 1st day of the 1st fiscal year that begins after the date of the designation.

**(B) Qualified enterprise communities**

With respect to each qualified enterprise community, the Secretary shall make 1 grant under this section to each State in which the community lies, on the date of the designation of the community under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986.

**(4) Funding**

\$1,000,000,000 shall be made available to the Secretary for grants under this section.

**(b) Program options**

Notwithstanding section 1397d(a) of this title:

(1) In order to prevent and remedy the neglect and abuse of children, a State may use amounts paid under this section to make grants to, or enter into contracts with, entities to provide residential or nonresidential drug and alcohol prevention and treatment programs that offer comprehensive services for pregnant women and mothers, and their children.

(2) In order to assist disadvantaged adults and youths in achieving and maintaining self-sufficiency, a State may use amounts paid under this section to make grants to, or enter into contracts with—

(A) organizations operated for profit or not for profit, for the purpose of training and employing disadvantaged adults and youths in construction, rehabilitation, or improvement of affordable housing, public infrastructure, and community facilities; and

(B) nonprofit organizations and community or junior colleges, for the purpose of enabling such entities to provide short-term training courses in entrepreneurship and self-employment, and other training that will promote individual self-sufficiency and the interests of the community.

(3) A State may use amounts paid under this section to make grants to, or enter into contracts with, nonprofit community-based orga-

nizations to enable such organizations to provide activities designed to promote and protect the interests of children and families, outside of school hours, including keeping schools open during evenings and weekends for mentoring and study.

(4) In order to assist disadvantaged adults and youths in achieving and maintaining economic self-support, a State may use amounts paid under this section to—

(A) fund services designed to promote community and economic development in qualified empowerment zones and qualified enterprise communities, such as skills training, job counseling, transportation services, housing counseling, financial management, and business counseling;

(B) assist in emergency and transitional shelter for disadvantaged families and individuals; or

(C) support programs that promote home ownership, education, or other routes to economic independence for low-income families and individuals.

**(c) Use of grants****(1) In general**

Subject to subsection (d) of this section, each State that receives a grant under this section with respect to an area shall use the grant—

(A) for services directed only at the goals set forth in paragraphs (1), (2), and (3) of section 1397 of this title;

(B) in accordance with the strategic plan for the area; and

(C) for activities that benefit residents of the area for which the grant is made.

**(2) Technical assistance**

A State may use a portion of any grant made under this section in the manner described in section 1397a(e) of this title.

**(d) Remittance of certain amounts****(1) Portion of grant upon termination of designation**

Each State to which an amount is paid under this subsection during a fiscal year with respect to an area the designation of which under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986 ends before the end of the fiscal year shall remit to the Secretary an amount equal to the total of the amounts so paid with respect to the area, multiplied by that proportion of the fiscal year remaining after the designation ends.

**(2) Amounts paid to the States and not obligated within 2 years**

Each State shall remit to the Secretary any amount paid to the State under this section that is not obligated by the end of the 2-year period that begins with the date of the payment.

**(e) Reallocation of remaining funds****(1) Remitted amounts**

The amount specified in section 1397b(c) of this title for any fiscal year is hereby increased by the total of the amounts remitted during the fiscal year pursuant to subsection (d) of this section.



**(2) Amounts not paid to the States**

The amount specified in section 1397b(c) of this title for fiscal year 1998 is hereby increased by the amount made available for grants under this section that has not been paid to any State by the end of fiscal year 1997.

**(f) Definitions**

As used in this section:

**(1) Qualified empowerment zone**

The term “qualified empowerment zone” means, with respect to a State, an area—

(A) which has been designated (other than by the Secretary of the Interior) as an empowerment zone under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986;

(B) with respect to which the designation is in effect;

(C) the strategic plan for which is a qualified plan; and

(D) part or all of which is in the State.

**(2) Qualified enterprise community**

The term “qualified enterprise community” means, with respect to a State, an area—

(A) which has been designated (other than by the Secretary of the Interior) as an enterprise community under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986;

(B) with respect to which the designation is in effect;

(C) the strategic plan for which is a qualified plan; and

(D) part or all of which is in the State.

**(3) Strategic plan**

The term “strategic plan” means, with respect to an area, the plan contained in the application for designation of the area under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986.

**(4) Qualified plan**

The term “qualified plan” means, with respect to an area, a plan that—

(A) includes a detailed description of the activities proposed for the area that are to be funded with amounts provided under this section;

(B) contains a commitment that the amounts provided under this section to any State for the area will not be used to supplant Federal or non-Federal funds for services and activities which promote the purposes of this section;

(C) was developed in cooperation with the local government or governments with jurisdiction over the area; and

(D) to the extent that any State will not use the amounts provided under this section for the area in the manner described in subsection (b), explains the reasons why not.

**(5) Rural area**

The term “rural area” has the meaning given such term in section 1393(a)(2) of the Internal Revenue Code of 1986.

**(6) Urban area**

The term “urban area” has the meaning given such term in section 1393(a)(3) of the Internal Revenue Code of 1986.

(Aug. 14, 1935, ch. 531, title XX, § 2007, as added Pub. L. 103-66, title XIII, § 13761, Aug. 10, 1993, 107 Stat. 664; amended Pub. L. 103-432, title II, § 263, Oct. 31, 1994, 108 Stat. 4467.)

**Editorial Notes**

## REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsecs. (a)(3), (d)(1), and (f), is classified generally to Title 26, Internal Revenue Code.

## PRIOR PROVISIONS

A prior section 1397f, act Aug. 14, 1935, ch. 531, title XX, § 2007, as added Aug. 13, 1981, Pub. L. 97-35, title XXIII, § 2352(a), 95 Stat. 871, related to child day care services, prior to repeal by Pub. L. 99-514, title XVIII, § 1883(e)(2), Oct. 22, 1986, 100 Stat. 2919.

Another prior section 1397f, act Aug. 14, 1935, ch. 531, title XX, § 2008, formerly § 2007, as added Jan. 4, 1975, Pub. L. 93-647, § 2, 88 Stat. 2348; renumbered § 2008, Jan. 2, 1980, Pub. L. 96-178, § 4(b), 93 Stat. 1296, defined “State supplementary payment” and “State”, prior to the general revision of this subchapter by section 2352(a) of Pub. L. 97-35.

## AMENDMENTS

1994—Subsecs. (e), (f). Pub. L. 103-432 added subsec. (e) and redesignated former subsec. (e) as (f).

**§ 1397g. Demonstration projects to address health professions workforce needs****(a) Demonstration projects to provide low-income individuals with opportunities for education, training, and career advancement to address health professions workforce needs****(1) Authority to award grants**

The Secretary, in consultation with the Secretary of Labor, shall award grants to eligible entities to conduct demonstration projects that are designed to provide eligible individuals with the opportunity to obtain education and training for occupations in the health care field that pay well and are expected to either experience labor shortages or be in high demand.

**(2) Requirements****(A) Aid and supportive services****(i) In general**

A demonstration project conducted by an eligible entity awarded a grant under this section shall, if appropriate, provide eligible individuals participating in the project with financial aid, child care, case management, and other supportive services.

**(ii) Treatment**

Any aid, services, or incentives provided to an eligible beneficiary participating in a demonstration project under this section shall not be considered income, and shall not be taken into account for purposes of determining the individual’s eligibility for, or amount of, benefits under any means-tested program.

**(B) Consultation and coordination**

An eligible entity applying for a grant to carry out a demonstration project under this section shall demonstrate in the application

that the entity has consulted with the State agency responsible for administering the State TANF program, the local workforce investment board in the area in which the project is to be conducted (unless the applicant is such board), the State workforce development board established under section 3111 of title 29, and the State Apprenticeship Agency recognized under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”) [29 U.S.C. 50 et seq.] (or if no agency has been recognized in the State, the Office of Apprenticeship of the Department of Labor) and that the project will be carried out in coordination with such entities.

**(C) Assurance of opportunities for Indian populations**

The Secretary shall award at least 3 grants under this subsection to an eligible entity that is an Indian tribe, tribal organization, or Tribal College or University.

**(3) Reports and evaluation**

**(A) Eligible entities**

An eligible entity awarded a grant to conduct a demonstration project under this subsection shall submit interim reports to the Secretary on the activities carried out under the project and a final report on such activities upon the conclusion of the entities’ participation in the project. Such reports shall include assessments of the effectiveness of such activities with respect to improving outcomes for the eligible individuals participating in the project and with respect to addressing health professions workforce needs in the areas in which the project is conducted.

**(B) Evaluation**

The Secretary shall, by grant, contract, or interagency agreement, evaluate the demonstration projects conducted under this subsection. Such evaluation shall include identification of successful activities for creating opportunities for developing and sustaining, particularly with respect to low-income individuals and other entry-level workers, a health professions workforce that has accessible entry points, that meets high standards for education, training, certification, and professional development, and that provides increased wages and affordable benefits, including health care coverage, that are responsive to the workforce’s needs.

**(C) Report to Congress**

The Secretary shall submit interim reports and, based on the evaluation conducted under subparagraph (B), a final report to Congress on the demonstration projects conducted under this subsection.

**(4) Definitions**

In this subsection:

**(A) Eligible entity**

The term “eligible entity” means a State, an Indian tribe or tribal organization, an institution of higher education, a local workforce development board established under

section 3122 of title 29, a sponsor of an apprenticeship program registered under the National Apprenticeship Act [29 U.S.C. 50 et seq.] or a community-based organization.

**(B) Eligible individual**

**(i) In general**

The term “eligible individual” means a<sup>1</sup> individual receiving assistance under the State TANF program.

**(ii) Other low-income individuals**

Such term may include other low-income individuals described by the eligible entity in its application for a grant under this section.

**(C) Indian tribe; tribal organization**

The terms “Indian tribe” and “tribal organization” have the meaning given such terms in section 5304 of title 25.

**(D) Institution of higher education**

The term “institution of higher education” has the meaning given that term in section 1001 of title 20.

**(E) State**

The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa.

**(F) State TANF program**

The term “State TANF program” means the temporary assistance for needy families program funded under part A of subchapter IV.

**(G) Tribal College or University**

The term “Tribal College or University” has the meaning given that term in section 1059c(b) of title 20.

**(b) Demonstration project to develop training and certification programs for personal or home care aides**

**(1) Authority to award grants**

Not later than 18 months after March 23, 2010, the Secretary shall award grants to eligible entities that are States to conduct demonstration projects for purposes of developing core training competencies and certification programs for personal or home care aides. The Secretary shall—

(A) evaluate the efficacy of the core training competencies described in paragraph (3)(A) for newly hired personal or home care aides and the methods used by States to implement such core training competencies in accordance with the issues specified in paragraph (3)(B); and

(B) ensure that the number of hours of training provided by States under the demonstration project with respect to such core training competencies are not less than the number of hours of training required under any applicable State or Federal law or regulation.

**(2) Duration**

A demonstration project shall be conducted under this subsection for not less than 3 years.

<sup>1</sup> So in original. Probably should be “an”.

**(3) Core training competencies for personal or home care aides**

**(A) In general**

The core training competencies for personal or home care aides described in this subparagraph include competencies with respect to the following areas:

- (i) The role of the personal or home care aide (including differences between a personal or home care aide employed by an agency and a personal or home care aide employed directly by the health care consumer or an independent provider).
- (ii) Consumer rights, ethics, and confidentiality (including the role of proxy decision-makers in the case where a health care consumer has impaired decision-making capacity).
- (iii) Communication, cultural and linguistic competence and sensitivity, problem solving, behavior management, and relationship skills.
- (iv) Personal care skills.
- (v) Health care support.
- (vi) Nutritional support.
- (vii) Infection control.
- (viii) Safety and emergency training.
- (ix) Training specific to an individual consumer's needs (including older individuals, younger individuals with disabilities, individuals with developmental disabilities, individuals with dementia, and individuals with mental and behavioral health needs).
- (x) Self-Care.

**(B) Implementation**

The implementation issues specified in this subparagraph include the following:

- (i) The length of the training.
- (ii) The appropriate trainer to student ratio.
- (iii) The amount of instruction time spent in the classroom as compared to on-site in the home or a facility.
- (iv) Trainer qualifications.
- (v) Content for a "hands-on" and written certification exam.
- (vi) Continuing education requirements.

**(4) Application and selection criteria**

**(A) In general**

**(i) Number of States**

The Secretary shall enter into agreements with not more than 6 States to conduct demonstration projects under this subsection.

**(ii) Requirements for States**

An agreement entered into under clause (i) shall require that a participating State—

- (I) implement the core training competencies described in paragraph (3)(A); and
- (II) develop written materials and protocols for such core training competencies, including the development of a certification test for personal or home care aides who have completed such training competencies.

**(iii) Consultation and collaboration with community and vocational colleges**

The Secretary shall encourage participating States to consult with community and vocational colleges regarding the development of curricula to implement the project with respect to activities, as applicable, which may include consideration of such colleges as partners in such implementation.

**(B) Application and eligibility**

A State seeking to participate in the project shall—

- (i) submit an application to the Secretary containing such information and at such time as the Secretary may specify;
- (ii) meet the selection criteria established under subparagraph (C); and
- (iii) meet such additional criteria as the Secretary may specify.

**(C) Selection criteria**

In selecting States to participate in the program, the Secretary shall establish criteria to ensure (if applicable with respect to the activities involved)—

- (i) geographic and demographic diversity;
- (ii) that participating States offer medical assistance for personal care services under the State Medicaid plan;
- (iii) that the existing training standards for personal or home care aides in each participating State—
  - (I) are different from such standards in the other participating States; and
  - (II) are different from the core training competencies described in paragraph (3)(A);
- (iv) that participating States do not reduce the number of hours of training required under applicable State law or regulation after being selected to participate in the project; and
- (v) that participating States recruit a minimum number of eligible health and long-term care providers to participate in the project.

**(D) Technical assistance**

The Secretary shall provide technical assistance to States in developing written materials and protocols for such core training competencies.

**(5) Evaluation and report**

**(A) Evaluation**

The Secretary shall develop an experimental or control group testing protocol in consultation with an independent evaluation contractor selected by the Secretary. Such contractor shall evaluate—

- (i) the impact of core training competencies described in paragraph (3)(A), including curricula developed to implement such core training competencies, for personal or home care aides within each participating State on job satisfaction, mastery of job skills, beneficiary and family caregiver satisfaction with services, and

additional measures determined by the Secretary in consultation with the expert panel;

(ii) the impact of providing such core training competencies on the existing training infrastructure and resources of States; and

(iii) whether a minimum number of hours of initial training should be required for personal or home care aides and, if so, what minimum number of hours should be required.

**(B) Reports**

**(i) Report on initial implementation**

Not later than 2 years after March 23, 2010, the Secretary shall submit to Congress a report on the initial implementation of activities conducted under the demonstration project, including any available results of the evaluation conducted under subparagraph (A) with respect to such activities, together with such recommendations for legislation or administrative action as the Secretary determines appropriate.

**(ii) Final report**

Not later than 1 year after the completion of the demonstration project, the Secretary shall submit to Congress a report containing the results of the evaluation conducted under subparagraph (A), together with such recommendations for legislation or administrative action as the Secretary determines appropriate.

**(6) Definitions**

In this subsection:

**(A) Eligible health and long-term care provider**

The term “eligible health and long-term care provider” means a personal or home care agency (including personal or home care public authorities), a nursing home, a home health agency (as defined in section 1395x(o) of this title), or any other health care provider the Secretary determines appropriate which—

(i) is licensed or authorized to provide services in a participating State; and

(ii) receives payment for services under subchapter XIX.

**(B) Personal care services**

The term “personal care services” has the meaning given such term for purposes of subchapter XIX.

**(C) Personal or home care aide**

The term “personal or home care aide” means an individual who helps individuals who are elderly, disabled, ill, or mentally disabled (including an individual with Alzheimer’s disease or other dementia) to live in their own home or a residential care facility (such as a nursing home, assisted living facility, or any other facility the Secretary determines appropriate) by providing routine personal care services and other appropriate services to the individual.

**(D) State**

The term “State” has the meaning given that term for purposes of subchapter XIX.

**(c) Funding**

**(1) In general**

Subject to paragraph (2), out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out subsections (a) and (b), \$85,000,000 for each of fiscal years 2010 through 2019.

**(2) Training and certification programs for personal and home care aides**

With respect to the demonstration projects under subsection (b), the Secretary shall use \$5,000,000 of the amount appropriated under paragraph (1) for each of fiscal years 2010 through 2012 to carry out such projects. No funds appropriated under paragraph (1) shall be used to carry out demonstration projects under subsection (b) after fiscal year 2012.

**(d) Nonapplication**

**(1) In general**

Except as provided in paragraph (2), the preceding sections of this division shall not apply to grant<sup>2</sup> awarded under this section.

**(2) Limitations on use of grants**

Section 1397d(a) of this title (other than paragraph (6)) shall apply to a grant awarded under this section to the same extent and in the same manner as such section applies to payments to States under this division.

(Aug. 14, 1935, ch. 531, title XX, § 2008, as added and amended Pub. L. 111–148, title V, § 5507(a), title VI, § 6703(d)(1)(B), Mar. 23, 2010, 124 Stat. 663, 803; Pub. L. 113–93, title II, § 208, Apr. 1, 2014, 128 Stat. 1046; Pub. L. 113–128, title V, § 512(dd)(4), July 22, 2014, 128 Stat. 1718; Pub. L. 114–10, title II, § 217, Apr. 16, 2015, 129 Stat. 153; Pub. L. 115–123, div. E, title VI, § 50611, Feb. 9, 2018, 132 Stat. 232.)

**Editorial Notes**

REFERENCES IN TEXT

The Act of August 16, 1937, referred to in subsec. (a)(2)(B), (4)(A), is act Aug. 16, 1937, ch. 663, 50 Stat. 664, popularly known as the National Apprenticeship Act, which is classified generally to chapter 4C (§ 50 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 50 of Title 29 and Tables.

Part A of subchapter IV, referred to in subsec. (a)(4)(F), is classified to § 601 et seq. of this title.

AMENDMENTS

2018—Subsec. (c)(1). Pub. L. 115–123 substituted “2019” for “2017”.

2015—Subsec. (c)(1). Pub. L. 114–10 substituted “2017” for “2015”.

2014—Subsec. (a)(2)(B). Pub. L. 113–128, § 512(dd)(4)(A), substituted “the State workforce development board established under section 3111 of title 29” for “the State workforce investment board established under section 2821 of title 29”.

Subsec. (a)(4)(A). Pub. L. 113–128, § 512(dd)(4)(B), substituted “a local workforce development board established under section 3122 of title 29,” for “a local workforce investment board established under section 2832 of title 29.”

Subsec. (c)(1). Pub. L. 113–93 substituted “2015” for “2014”.

<sup>2</sup> So in original.

2010—Subsec. (d). Pub. L. 111-148, §6703(d)(1)(B), which directed substitution of “this division” for “this subchapter” wherever appearing in subtitle 1 of title XX of act Aug. 14, 1935, was executed by making the substitution in two places in subsec. (d) of this section, which is in subtitle A of title XX act Aug. 14, 1935, to reflect the probable intent of Congress.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

##### EXTENSION OF DEMONSTRATION PROJECTS TO ADDRESS HEALTH PROFESSIONS WORKFORCE NEEDS

Pub. L. 116-136, div. A, title III, §3823, Mar. 27, 2020, 134 Stat. 433, provided that: “Activities authorized by section 2008 of the Social Security Act [42 U.S.C. 1397g] shall continue through November 30, 2020, in the manner authorized for fiscal year 2019, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the date so specified at the pro rata portion of the total amount authorized for such activities in fiscal year 2019.”

#### § 1397h. Program for early detection of certain medical conditions related to environmental health hazards

##### (a) Program establishment

The Secretary shall establish a program in accordance with this section to make competitive grants to eligible entities specified in subsection (b) for the purpose of—

- (1) screening at-risk individuals (as defined in subsection (c)(1)) for environmental health conditions (as defined in subsection (c)(3)); and
- (2) developing and disseminating public information and education concerning—

- (A) the availability of screening under the program under this section;
- (B) the detection, prevention, and treatment of environmental health conditions; and
- (C) the availability of Medicare benefits for certain individuals diagnosed with environmental health conditions under section 1395rr-1 of this title.

##### (b) Eligible entities

###### (1) In general

For purposes of this section, an eligible entity is an entity described in paragraph (2) which submits an application to the Secretary in such form and manner, and containing such information and assurances, as the Secretary determines appropriate.

###### (2) Types of eligible entities

The entities described in this paragraph are the following:

- (A) A hospital or community health center.
- (B) A Federally qualified health center.
- (C) A facility of the Indian Health Service.
- (D) A National Cancer Institute-designated cancer center.

(E) An agency of any State or local government.

(F) A nonprofit organization.

(G) Any other entity the Secretary determines appropriate.

##### (c) Definitions

In this section:

###### (1) At-risk individual

The term “at-risk individual” means an individual who—

(A)(i) as demonstrated in such manner as the Secretary determines appropriate, has been present for an aggregate total of 6 months in the geographic area subject to an emergency declaration specified under paragraph (2), during a period ending—

(I) not less than 10 years prior to the date of such individual’s application under subparagraph (B); and

(II) prior to the implementation of all the remedial and removal actions specified in the Record of Decision for Operating Unit 4 and the Record of Decision for Operating Unit 7; or

(ii) meets such other criteria as the Secretary determines appropriate considering the type of environmental health condition at issue; and

(B) has submitted an application (or has an application submitted on the individual’s behalf), to an eligible entity receiving a grant under this section, for screening under the program under this section.

###### (2) Emergency declaration

The term “emergency declaration” means a declaration of a public health emergency under section 9604(a) of this title.

###### (3) Environmental health condition

The term “environmental health condition” means—

(A) asbestosis, pleural thickening, or pleural plaques, as established by—

(i) interpretation by a “B Reader” qualified physician of a plain chest x-ray or interpretation of a computed tomographic radiograph of the chest by a qualified physician, as determined by the Secretary; or

(ii) such other diagnostic standards as the Secretary specifies;

(B) mesothelioma, or malignancies of the lung, colon, rectum, larynx, stomach, esophagus, pharynx, or ovary, as established by—

(i) pathologic examination of biopsy tissue;

(ii) cytology from bronchioalveolar lavage; or

(iii) such other diagnostic standards as the Secretary specifies; and

(C) any other medical condition which the Secretary determines is caused by exposure to a hazardous substance or pollutant or contaminant at a Superfund site to which an emergency declaration applies, based on such criteria and as established by such diagnostic standards as the Secretary specifies.

**(4) Hazardous substance; pollutant; contaminant**

The terms “hazardous substance”, “pollutant”, and “contaminant” have the meanings given those terms in section 9601 of this title.

**(5) Superfund site**

The term “Superfund site” means a site included on the National Priorities List developed by the President in accordance with section 9605(a)(8)(B) of this title.

**(d) Health coverage unaffected**

Nothing in this section shall be construed to affect any coverage obligation of a governmental or private health plan or program relating to an at-risk individual.

**(e) Funding****(1) In general**

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

- (A) \$23,000,000 for the period of fiscal years 2010 through 2014; and
- (B) \$20,000,000 for each 5-fiscal year period thereafter.

**(2) Availability**

Funds appropriated under paragraph (1) shall remain available until expended.

**(f) Nonapplication****(1) In general**

Except as provided in paragraph (2), the preceding sections of this subchapter shall not apply to grants awarded under this section.

**(2) Limitations on use of grants**

Section 1397d(a) of this title shall apply to a grant awarded under this section to the same extent and in the same manner as such section applies to payments to States under this subchapter, except that paragraph (4) of such section shall not be construed to prohibit grantees from conducting screening for environmental health conditions as authorized under this section.

(Aug. 14, 1935, ch. 531, title XX, §2009, as added Pub. L. 111-148, title X, §10323(b), Mar. 23, 2010, 124 Stat. 957.)

**Editorial Notes**

## CODIFICATION

Pub. L. 111-148, title X, §10323(b), Mar. 23, 2010, 124 Stat. 957, which directed amendment of title XX of act Aug. 14, 1935, by adding this section at the end, was executed by adding this section at the end of subtitle A of title XX of that Act, which is this division, to reflect the probable intent of Congress.

**§ 1397i. Additional funding for aging and disability services programs****(a) Appropriation**

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$276,000,000, to remain available until expended, to carry out the programs described in division B of this subchapter.

**(b) Use of funds**

Of the amounts made available by subsection (a)—

(1) \$88,000,000 shall be made available to carry out the programs described in division B of this subchapter in fiscal year 2021, of which not less than an amount equal to \$100,000,000 minus the amount previously provided in fiscal year 2021 to carry out section 1397m-1(b) of this title shall be made available to carry out such section; and

(2) \$188,000,000 shall be made available to carry out the programs described in division B of this subchapter in fiscal year 2022, of which not less than \$100,000,000 shall be for activities described in section 1397m-1(b) of this title.

(Aug. 14, 1935, ch. 531, title XX, §2010, as added Pub. L. 117-2, title IX, §9301, Mar. 11, 2021, 135 Stat. 126.)

## Division B—Elder Justice

**§ 1397j. Definitions**

In this division:

**(1) Abuse**

The term “abuse” means the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.

**(2) Adult protective services**

The term “adult protective services” means such services provided to adults as the Secretary may specify and includes services such as—

- (A) receiving reports of adult abuse, neglect, or exploitation;
- (B) investigating the reports described in subparagraph (A);
- (C) case planning, monitoring, evaluation, and other case work and services; and
- (D) providing, arranging for, or facilitating the provision of medical, social service, economic, legal, housing, law enforcement, or other protective, emergency, or support services.

**(3) Caregiver**

The term “caregiver” means an individual who has the responsibility for the care of an elder, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law, and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an elder who needs supportive services in any setting.

**(4) Direct care**

The term “direct care” means care by an employee or contractor who provides assistance or long-term care services to a recipient.

**(5) Elder**

The term “elder” means an individual age 60 or older.

**(6) Elder justice**

The term “elder justice” means—

(A) from a societal perspective, efforts to—  
 (i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and

(ii) protect elders with diminished capacity while maximizing their autonomy; and

(B) from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation.

**(7) Eligible entity**

The term “eligible entity” means a State or local government agency, Indian tribe or tribal organization, or any other public or private entity that is engaged in and has expertise in issues relating to elder justice or in a field necessary to promote elder justice efforts.

**(8) Exploitation**

The term “exploitation” means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, or gain, or that results in depriving an elder of rightful access to, or use of, benefits, resources, belongings, or assets.

**(9) Fiduciary**

The term “fiduciary”—

(A) means a person or entity with the legal responsibility—

(i) to make decisions on behalf of and for the benefit of another person; and

(ii) to act in good faith and with fairness; and

(B) includes a trustee, a guardian, a conservator, an executor, an agent under a financial power of attorney or health care power of attorney, or a representative payee.

**(10) Grant**

The term “grant” includes a contract, cooperative agreement, or other mechanism for providing financial assistance.

**(11) Guardianship**

The term “guardianship” means—

(A) the process by which a State court determines that an adult individual lacks capacity to make decisions about self-care or property, and appoints another individual or entity known as a guardian, as a conservator, or by a similar term, as a surrogate decisionmaker;

(B) the manner in which the court-appointed surrogate decisionmaker carries out duties to the individual and the court; or

(C) the manner in which the court exercises oversight of the surrogate decisionmaker.

**(12) Indian tribe**

**(A) In general**

The term “Indian tribe” has the meaning given such term in section 5304 of title 25.

**(B) Inclusion of Pueblo and Rancheria**

The term “Indian tribe” includes any Pueblo or Rancheria.

**(13) Law enforcement**

The term “law enforcement” means the full range of potential responders to elder abuse, neglect, and exploitation including—

(A) police, sheriffs, detectives, public safety officers, and corrections personnel;

(B) prosecutors;

(C) medical examiners;

(D) investigators; and

(E) coroners.

**(14) Long-term care**

**(A) In general**

The term “long-term care” means supportive and health services specified by the Secretary for individuals who need assistance because the individuals have a loss of capacity for self-care due to illness, disability, or vulnerability.

**(B) Loss of capacity for self-care**

For purposes of subparagraph (A), the term “loss of capacity for self-care” means an inability to engage in 1 or more activities of daily living, including eating, dressing, bathing, management of one's financial affairs, and other activities the Secretary determines appropriate.

**(15) Long-term care facility**

The term “long-term care facility” means a residential care provider that arranges for, or directly provides, long-term care.

**(16) Neglect**

The term “neglect” means—

(A) the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an elder; or

(B) self-neglect.

**(17) Nursing facility**

**(A) In general**

The term “nursing facility” has the meaning given such term under section 1396r(a) of this title.

**(B) Inclusion of skilled nursing facility**

The term “nursing facility” includes a skilled nursing facility (as defined in section 1395i-3(a) of this title).

**(18) Self-neglect**

The term “self-neglect” means an adult's inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including—

(A) obtaining essential food, clothing, shelter, and medical care;

(B) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

(C) managing one's own financial affairs.

**(19) Serious bodily injury**

**(A) In general**

The term “serious bodily injury” means an injury—

(i) involving extreme physical pain;

(ii) involving substantial risk of death;

(iii) involving protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or

(iv) requiring medical intervention such as surgery, hospitalization, or physical rehabilitation.

**(B) Criminal sexual abuse**

Serious bodily injury shall be considered to have occurred if the conduct causing the injury is conduct described in section 2241 (relating to aggravated sexual abuse) or 2242 (relating to sexual abuse) of title 18 or any similar offense under State law.

**(20) Social**

The term “social”, when used with respect to a service, includes adult protective services.

**(21) State legal assistance developer**

The term “State legal assistance developer” means an individual described in section 3058j of this title.

**(22) State Long-Term Care Ombudsman**

The term “State Long-Term Care Ombudsman” means the State Long-Term Care Ombudsman described in section 3058g(a)(2) of this title.

(Aug. 14, 1935, ch. 531, title XX, §2011, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 782.)

**§ 1397j-1. General provisions****(a) Protection of privacy**

In pursuing activities under this division, the Secretary shall ensure the protection of individual health privacy consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 and applicable State and local privacy regulations.

**(b) Rule of construction**

Nothing in this division shall be construed to interfere with or abridge an elder’s right to practice his or her religion through reliance on prayer alone for healing when this choice—

(1) is contemporaneously expressed, either orally or in writing, with respect to a specific illness or injury which the elder has at the time of the decision by an elder who is competent at the time of the decision;

(2) is previously set forth in a living will, health care proxy, or other advance directive document that is validly executed and applied under State law; or

(3) may be unambiguously deduced from the elder’s life history.

(Aug. 14, 1935, ch. 531, title XX, §2012, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 785.)

**Editorial Notes****REFERENCES IN TEXT**

Section 264(c) of the Health Insurance Portability and Accountability Act of 1996, referred to in subsec. (a), is section 264(c) of Pub. L. 104-191, which is set out as a note under section 1320d-2 of this title.

**PART I—NATIONAL COORDINATION OF ELDER JUSTICE ACTIVITIES AND RESEARCH****SUBPART A—ELDER JUSTICE COORDINATING COUNCIL AND ADVISORY BOARD ON ELDER ABUSE, NEGLECT, AND EXPLOITATION****§ 1397k. Elder Justice Coordinating Council****(a) Establishment**

There is established within the Office of the Secretary an Elder Justice Coordinating Council (in this section referred to as the “Council”).

**(b) Membership****(1) In general**

The Council shall be composed of the following members:

(A) The Secretary (or the Secretary’s designee).

(B) The Attorney General (or the Attorney General’s designee).

(C) The head of each Federal department or agency or other governmental entity identified by the Chair referred to in subsection (d) as having responsibilities, or administering programs, relating to elder abuse, neglect, and exploitation.

**(2) Requirement**

Each member of the Council shall be an officer or employee of the Federal Government.

**(c) Vacancies**

Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

**(d) Chair**

The member described in subsection (b)(1)(A) shall be Chair of the Council.

**(e) Meetings**

The Council shall meet at least 2 times per year, as determined by the Chair.

**(f) Duties****(1) In general**

The Council shall make recommendations to the Secretary for the coordination of activities of the Department of Health and Human Services, the Department of Justice, and other relevant Federal, State, local, and private agencies and entities, relating to elder abuse, neglect, and exploitation and other crimes against elders.

**(2) Report**

Not later than the date that is 2 years after March 23, 2010, and every 2 years thereafter, the Council shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report that—

(A) describes the activities and accomplishments of, and challenges faced by—

(i) the Council; and

(ii) the entities represented on the Council; and

(B) makes such recommendations for legislation, model laws, or other action as the Council determines to be appropriate.



**(g) Powers of the Council****(1) Information from Federal agencies**

Subject to the requirements of section 1397j-1(a) of this title, the Council may secure directly from any Federal department or agency such information as the Council considers necessary to carry out this section. Upon request of the Chair of the Council, the head of such department or agency shall furnish such information to the Council.

**(2) Postal services**

The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

**(h) Travel expenses**

The members of the Council shall not receive compensation for the performance of services for the Council. The members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, the Secretary may accept the voluntary and uncompensated services of the members of the Council.

**(i) Detail of Government employees**

Any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

**(j) Status as permanent Council**

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

**(k) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Aug. 14, 1935, ch. 531, title XX, §2021, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 786.)

**Editorial Notes****REFERENCES IN TEXT**

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (j), is section 14 of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

**§ 1397k-1. Advisory Board on Elder Abuse, Neglect, and Exploitation****(a) Establishment**

There is established a board to be known as the “Advisory Board on Elder Abuse, Neglect, and Exploitation” (in this section referred to as the “Advisory Board”) to create short- and long-term multidisciplinary strategic plans for the development of the field of elder justice and to make recommendations to the Elder Justice Coordinating Council established under section 1397k of this title.

**(b) Composition**

The Advisory Board shall be composed of 27 members appointed by the Secretary from

among members of the general public who are individuals with experience and expertise in elder abuse, neglect, and exploitation prevention, detection, treatment, intervention, or prosecution.

**(c) Solicitation of nominations**

The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the Advisory Board under subsection (b).

**(d) Terms****(1) In general**

Each member of the Advisory Board shall be appointed for a term of 3 years, except that, of the members first appointed—

(A) 9 shall be appointed for a term of 3 years;

(B) 9 shall be appointed for a term of 2 years; and

(C) 9 shall be appointed for a term of 1 year.

**(2) Vacancies****(A) In general**

Any vacancy on the Advisory Board shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

**(B) Filling unexpired term**

An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

**(3) Expiration of terms**

The term of any member shall not expire before the date on which the member’s successor takes office.

**(e) Election of officers**

The Advisory Board shall elect a Chair and Vice Chair from among its members. The Advisory Board shall elect its initial Chair and Vice Chair at its initial meeting.

**(f) Duties****(1) Enhance communication on promoting quality of, and preventing abuse, neglect, and exploitation in, long-term care**

The Advisory Board shall develop collaborative and innovative approaches to improve the quality of, including preventing abuse, neglect, and exploitation in, long-term care.

**(2) Collaborative efforts to develop consensus around the management of certain quality-related factors****(A) In general**

The Advisory Board shall establish multidisciplinary panels to address, and develop consensus on, subjects relating to improving the quality of long-term care. At least 1 such panel shall address, and develop consensus on, methods for managing resident-to-resident abuse in long-term care.

**(B) Activities conducted**

The multidisciplinary panels established under subparagraph (A) shall examine relevant research and data, identify best practices with respect to the subject of the

panel, determine the best way to carry out those best practices in a practical and feasible manner, and determine an effective manner of distributing information on such subject.

**(3) Report**

Not later than the date that is 18 months after March 23, 2010, and annually thereafter, the Advisory Board shall prepare and submit to the Elder Justice Coordinating Council, the Committee on Finance of the Senate, and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report containing—

(A) information on the status of Federal, State, and local public and private elder justice activities;

(B) recommendations (including recommended priorities) regarding—

(i) elder justice programs, research, training, services, practice, enforcement, and coordination;

(ii) coordination between entities pursuing elder justice efforts and those involved in related areas that may inform or overlap with elder justice efforts, such as activities to combat violence against women and child abuse and neglect; and

(iii) activities relating to adult fiduciary systems, including guardianship and other fiduciary arrangements;

(C) recommendations for specific modifications needed in Federal and State laws (including regulations) or for programs, research, and training to enhance prevention, detection, and treatment (including diagnosis) of, intervention in (including investigation of), and prosecution of elder abuse, neglect, and exploitation;

(D) recommendations on methods for the most effective coordinated national data collection with respect to elder justice, and elder abuse, neglect, and exploitation; and

(E) recommendations for a multidisciplinary strategic plan to guide the effective and efficient development of the field of elder justice.

**(g) Powers of the Advisory Board**

**(1) Information from Federal agencies**

Subject to the requirements of section 1397j-1(a) of this title, the Advisory Board may secure directly from any Federal department or agency such information as the Advisory Board considers necessary to carry out this section. Upon request of the Chair of the Advisory Board, the head of such department or agency shall furnish such information to the Advisory Board.

**(2) Sharing of data and reports**

The Advisory Board may request from any entity pursuing elder justice activities under the Elder Justice Act of 2009 or an amendment made by that Act, any data, reports, or recommendations generated in connection with such activities.

**(3) Postal services**

The Advisory Board may use the United States mails in the same manner and under

the same conditions as other departments and agencies of the Federal Government.

**(h) Travel expenses**

The members of the Advisory Board shall not receive compensation for the performance of services for the Advisory Board. The members shall be allowed travel expenses for up to 4 meetings per year, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Advisory Board. Notwithstanding section 1342 of title 31, the Secretary may accept the voluntary and uncompensated services of the members of the Advisory Board.

**(i) Detail of Government employees**

Any Federal Government employee may be detailed to the Advisory Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

**(j) Status as permanent advisory committee**

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.<sup>1</sup>

**(k) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Aug. 14, 1935, ch. 531, title XX, §2022, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 787.)

**Editorial Notes**

REFERENCES IN TEXT

The Elder Justice Act of 2009, referred to in subsec. (g)(2), is subtitle H (§§6701-6703) of title VI of Pub. L. 111-148, Mar. 23, 2010, 124 Stat. 782. For complete classification of this Act to the Code, see Short Title of 2010 Amendment note set out under section 1305 of this title and Tables.

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (j), is section 14 of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

**§ 1397k-2. Research protections**

**(a) Guidelines**

The Secretary shall promulgate guidelines to assist researchers working in the area of elder abuse, neglect, and exploitation, with issues relating to human subject protections.

**(b) Definition of legally authorized representative for application of regulations**

For purposes of the application of subpart A of part 46 of title 45, Code of Federal Regulations, to research conducted under this subpart, the term “legally authorized representative” means, unless otherwise provided by law, the individual or judicial or other body authorized under the applicable law to consent to medical treatment on behalf of another person.

(Aug. 14, 1935, ch. 531, title XX, §2023, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 789.)

<sup>1</sup> So in original. Probably should be “Advisory Board”.

**§ 1397k-3. Authorization of appropriations**

There are authorized to be appropriated to carry out this subpart—

- (1) for fiscal year 2011, \$6,500,000; and
- (2) for each of fiscal years 2012 through 2014, \$7,000,000.

(Aug. 14, 1935, ch. 531, title XX, §2024, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 790.)

SUBPART B—ELDER ABUSE, NEGLECT, AND  
EXPLOITATION FORENSIC CENTERS

**§ 1397l. Establishment and support of elder abuse, neglect, and exploitation forensic centers****(a) In general**

The Secretary, in consultation with the Attorney General, shall make grants to eligible entities to establish and operate stationary and mobile forensic centers, to develop forensic expertise regarding, and provide services relating to, elder abuse, neglect, and exploitation.

**(b) Stationary forensic centers**

The Secretary shall make 4 of the grants described in subsection (a) to institutions of higher education with demonstrated expertise in forensics or commitment to preventing or treating elder abuse, neglect, or exploitation, to establish and operate stationary forensic centers.

**(c) Mobile centers**

The Secretary shall make 6 of the grants described in subsection (a) to appropriate entities to establish and operate mobile forensic centers.

**(d) Authorized activities****(1) Development of forensic markers and methodologies**

An eligible entity that receives a grant under this section shall use funds made available through the grant to assist in determining whether abuse, neglect, or exploitation occurred and whether a crime was committed and to conduct research to describe and disseminate information on—

- (A) forensic markers that indicate a case in which elder abuse, neglect, or exploitation may have occurred; and
- (B) methodologies for determining, in such a case, when and how health care, emergency service, social and protective services, and legal service providers should intervene and when the providers should report the case to law enforcement authorities.

**(2) Development of forensic expertise**

An eligible entity that receives a grant under this section shall use funds made available through the grant to develop forensic expertise regarding elder abuse, neglect, and exploitation in order to provide medical and forensic evaluation, therapeutic intervention, victim support and advocacy, case review, and case tracking.

**(3) Collection of evidence**

The Secretary, in coordination with the Attorney General, shall use data made available by grant recipients under this section to de-

velop the capacity of geriatric health care professionals and law enforcement to collect forensic evidence, including collecting forensic evidence relating to a potential determination of elder abuse, neglect, or exploitation.

**(e) Application**

To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

**(f) Authorization of appropriations**

There are authorized to be appropriated to carry out this section—

- (1) for fiscal year 2011, \$4,000,000;
- (2) for fiscal year 2012, \$6,000,000; and
- (3) for each of fiscal years 2013 and 2014, \$8,000,000.

(Aug. 14, 1935, ch. 531, title XX, §2031, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 790.)

PART II—PROGRAMS TO PROMOTE ELDER  
JUSTICE

**§ 1397m. Enhancement of long-term care****(a) Grants and incentives for long-term care staffing****(1) In general**

The Secretary shall carry out activities, including activities described in paragraphs (2) and (3), to provide incentives for individuals to train for, seek, and maintain employment providing direct care in long-term care.

**(2) Specific programs to enhance training, recruitment, and retention of staff****(A) Coordination with Secretary of Labor to recruit and train long-term care staff**

The Secretary shall coordinate activities under this subsection with the Secretary of Labor in order to provide incentives for individuals to train for and seek employment providing direct care in long-term care.

**(B) Career ladders and wage or benefit increases to increase staffing in long-term care****(i) In general**

The Secretary shall make grants to eligible entities to carry out programs through which the entities—

- (I) offer, to employees who provide direct care to residents of an eligible entity or individuals receiving community-based long-term care from an eligible entity, continuing training and varying levels of certification, based on observed clinical care practices and the amount of time the employees spend providing direct care; and
- (II) provide, or make arrangements to provide, bonuses or other increased compensation or benefits to employees who achieve certification under such a program.

**(ii) Application**

To be eligible to receive a grant under this subparagraph, an eligible entity shall

submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require (which may include evidence of consultation with the State in which the eligible entity is located with respect to carrying out activities funded under the grant).

**(iii) Authority to limit number of applicants**

Nothing in this subparagraph shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this subparagraph.

**(3) Specific programs to improve management practices**

**(A) In general**

The Secretary shall make grants to eligible entities to enable the entities to provide training and technical assistance.

**(B) Authorized activities**

An eligible entity that receives a grant under subparagraph (A) shall use funds made available through the grant to provide training and technical assistance regarding management practices using methods that are demonstrated to promote retention of individuals who provide direct care, such as—

(i) the establishment of standard human resource policies that reward high performance, including policies that provide for improved wages and benefits on the basis of job reviews;

(ii) the establishment of motivational and thoughtful work organization practices;

(iii) the creation of a workplace culture that respects and values caregivers and their needs;

(iv) the promotion of a workplace culture that respects the rights of residents of an eligible entity or individuals receiving community-based long-term care from an eligible entity and results in improved care for the residents or the individuals; and

(v) the establishment of other programs that promote the provision of high quality care, such as a continuing education program that provides additional hours of training, including on-the-job training, for employees who are certified nurse aides.

**(C) Application**

To be eligible to receive a grant under this paragraph, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require (which may include evidence of consultation with the State in which the eligible entity is located with respect to carrying out activities funded under the grant).

**(D) Authority to limit number of applicants**

Nothing in this paragraph shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this paragraph.

**(4) Accountability measures**

The Secretary shall develop accountability measures to ensure that the activities conducted using funds made available under this subsection benefit individuals who provide direct care and increase the stability of the long-term care workforce.

**(5) Definitions**

In this subsection:

**(A) Community-based long-term care**

The term “community-based long-term care” has the meaning given such term by the Secretary.

**(B) Eligible entity**

The term “eligible entity” means the following:

(i) A long-term care facility.

(ii) A community-based long-term care entity (as defined by the Secretary).

**(b) Certified EHR technology grant program**

**(1) Grants authorized**

The Secretary is authorized to make grants to long-term care facilities for the purpose of assisting such entities in offsetting the costs related to purchasing, leasing, developing, and implementing certified EHR technology (as defined in section 1395w-4(o)(4) of this title) designed to improve patient safety and reduce adverse events and health care complications resulting from medication errors.

**(2) Use of grant funds**

Funds provided under grants under this subsection may be used for any of the following:

(A) Purchasing, leasing, and installing computer software and hardware, including handheld computer technologies.

(B) Making improvements to existing computer software and hardware.

(C) Making upgrades and other improvements to existing computer software and hardware to enable e-prescribing.

(D) Providing education and training to eligible long-term care facility staff on the use of such technology to implement the electronic transmission of prescription and patient information.

**(3) Application**

**(A) In general**

To be eligible to receive a grant under this subsection, a long-term care facility shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require (which may include evidence of consultation with the State in which the long-term care facility is located with respect to carrying out activities funded under the grant).

**(B) Authority to limit number of applicants**

Nothing in this subsection shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this subsection.

**(4) Participation in State health exchanges**

A long-term care facility that receives a grant under this subsection shall, where avail-

able, participate in activities conducted by a State or a qualified State-designated entity (as defined in section 300jj-33(f) of this title) under a grant under section 300jj-33 of this title to coordinate care and for other purposes determined appropriate by the Secretary.

**(5) Accountability measures**

The Secretary shall develop accountability measures to ensure that the activities conducted using funds made available under this subsection help improve patient safety and reduce adverse events and health care complications resulting from medication errors.

**(c) Adoption of standards for transactions involving clinical data by long-term care facilities**

**(1) Standards and compatibility**

The Secretary shall adopt electronic standards for the exchange of clinical data by long-term care facilities, including, where available, standards for messaging and nomenclature. Standards adopted by the Secretary under the preceding sentence shall be compatible with standards established under part C of subchapter XI, standards established under subsections (b)(2)(B)(i) and (e)(4) of section 1395w-104 of this title, standards adopted under section 300jj-14 of this title, and general health information technology standards.

**(2) Electronic submission of data to the Secretary**

**(A) In general**

Not later than 10 years after March 23, 2010, the Secretary shall have procedures in place to accept the optional electronic submission of clinical data by long-term care facilities pursuant to the standards adopted under paragraph (1).

**(B) Rule of construction**

Nothing in this subsection shall be construed to require a long-term care facility to submit clinical data electronically to the Secretary.

**(3) Regulations**

The Secretary shall promulgate regulations to carry out this subsection. Such regulations shall require a State, as a condition of the receipt of funds under this part, to conduct such data collection and reporting as the Secretary determines are necessary to satisfy the requirements of this subsection.

**(d) Authorization of appropriations**

There are authorized to be appropriated to carry out this section—

- (1) for fiscal year 2011, \$20,000,000;
- (2) for fiscal year 2012, \$17,500,000; and
- (3) for each of fiscal years 2013 and 2014, \$15,000,000.

(Aug. 14, 1935, ch. 531, title XX, §2041, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 791.)

**Editorial Notes**

REFERENCES IN TEXT

Part C of subchapter XI, referred to in subsec. (c)(1), is classified to section 1320d et seq. of this title.

**§ 1397m-1. Adult protective services functions and grant programs**

**(a) Secretarial responsibilities**

**(1) In general**

The Secretary shall ensure that the Department of Health and Human Services—

(A) provides funding authorized by this part to State and local adult protective services offices that investigate reports of the abuse, neglect, and exploitation of elders;

(B) collects and disseminates data annually relating to the abuse, exploitation, and neglect of elders in coordination with the Department of Justice;

(C) develops and disseminates information on best practices regarding, and provides training on, carrying out adult protective services;

(D) conducts research related to the provision of adult protective services; and

(E) provides technical assistance to States and other entities that provide or fund the provision of adult protective services, including through grants made under subsections (b) and (c).

**(2) Authorization of appropriations**

There are authorized to be appropriated to carry out this subsection, \$3,000,000 for fiscal year 2011 and \$4,000,000 for each of fiscal years 2012 through 2014.

**(b) Grants to enhance the provision of adult protective services**

**(1) Establishment**

There is established an adult protective services grant program under which the Secretary shall annually award grants to States in the amounts calculated under paragraph (2) for the purposes of enhancing adult protective services provided by States and local units of government.

**(2) Amount of payment**

**(A) In general**

Subject to the availability of appropriations and subparagraphs (B) and (C), the amount paid to a State for a fiscal year under the program under this subsection shall equal the amount appropriated for that year to carry out this subsection multiplied by the percentage of the total number of elders who reside in the United States who reside in that State.

**(B) Guaranteed minimum payment amount**

**(i) 50 States**

Subject to clause (ii), if the amount determined under subparagraph (A) for a State for a fiscal year is less than 0.75 percent of the amount appropriated for such year, the Secretary shall increase such determined amount so that the total amount paid under this subsection to the State for the year is equal to 0.75 percent of the amount so appropriated.

**(ii) Territories**

In the case of a State other than 1 of the 50 States, clause (i) shall be applied as if

each reference to “.75” were a reference to “.1”.

**(C) Pro rata reductions**

The Secretary shall make such pro rata reductions to the amounts described in subparagraph (A) as are necessary to comply with the requirements of subparagraph (B).

**(3) Authorized activities**

**(A) Adult protective services**

Funds made available pursuant to this subsection may only be used by States and local units of government to provide adult protective services and may not be used for any other purpose.

**(B) Use by agency**

Each State receiving funds pursuant to this subsection shall provide such funds to the agency or unit of State government having legal responsibility for providing adult protective services within the State.

**(C) Supplement not supplant**

Each State or local unit of government shall use funds made available pursuant to this subsection to supplement and not supplant other Federal, State, and local public funds expended to provide adult protective services in the State.

**(4) State reports**

Each State receiving funds under this subsection shall submit to the Secretary, at such time and in such manner as the Secretary may require, a report on the number of elders served by the grants awarded under this subsection.

**(5) Authorization of appropriations**

There are authorized to be appropriated to carry out this subsection, \$100,000,000 for each of fiscal years 2011 through 2014.

**(c) State demonstration programs**

**(1) Establishment**

The Secretary shall award grants to States (and, in the case of demonstration programs described in paragraph (2)(E), to the highest courts of States) for the purposes of conducting demonstration programs in accordance with paragraph (2).

**(2) Demonstration programs**

Funds made available pursuant to this subsection may be used by States and local units of government (and the highest courts of States, in the case of demonstration programs described in subparagraph (E)) to conduct demonstration programs that test—

(A) training modules developed for the purpose of detecting or preventing elder abuse;

(B) methods to detect or prevent financial exploitation of elders;

(C) methods to detect elder abuse;

(D) whether training on elder abuse forensics enhances the detection of elder abuse by employees of the State or local unit of government;

(E) subject to paragraph (3), programs to assess the fairness, effectiveness, timeliness,

safety, integrity, and accessibility of adult guardianship and conservatorship proceedings, including the appointment and the monitoring of the performance of court-appointed guardians and conservators, and to implement changes deemed necessary as a result of the assessments such as mandating background checks for all potential guardians and conservators, and implementing systems to enable the annual accountings and other required conservatorship and guardianship filings to be completed, filed, and reviewed electronically in order to simplify the filing process for conservators and guardians and better enable courts to identify discrepancies and detect fraud and the exploitation of protected persons; or

(F) other matters relating to the detection or prevention of elder abuse.

**(3) Requirements for court-appointed guardianship oversight demonstration programs**

**(A) Award of grants**

In awarding grants to the highest courts of States for demonstration programs described in paragraph (2)(E), the Secretary shall consider the recommendations of the Attorney General and the State Justice Institute, as established by section 10702 of this title.

**(B) Collaboration**

The highest court of a State awarded a grant to conduct a demonstration program described in paragraph (2)(E) shall collaborate with the State Unit on Aging for the State and the Adult Protective Services agency for the State in conducting the demonstration program.

**(4) Application**

To be eligible to receive a grant under this subsection, a State (and, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

**(5) State reports**

Each State (or, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State) that receives funds under this subsection shall submit to the Secretary a report at such time, in such manner, and containing such information as the Secretary may require on the results of the demonstration program conducted by the State (or, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State) using funds made available under this subsection.

**(6) Authorization of appropriations**

There are authorized to be appropriated to carry out this subsection, \$25,000,000 for each of fiscal years 2011 through 2014.

(Aug. 14, 1935, ch. 531, title XX, § 2042, as added Pub. L. 111-148, title VI, § 6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 794; amended Pub. L. 115-70, title V, § 501, Oct. 18, 2017, 131 Stat. 1215.)

**Editorial Notes****AMENDMENTS**

2017—Subsec. (c)(1). Pub. L. 115-70, §501(1), inserted “(and, in the case of demonstration programs described in paragraph (2)(E), to the highest courts of States)” after “States”.

Subsec. (c)(2). Pub. L. 115-70, §501(2)(A), inserted “(and the highest courts of States, in the case of demonstration programs described in subparagraph (E))” after “local units of government” in introductory provisions.

Subsec. (c)(2)(E), (F). Pub. L. 115-70, §501(2)(B)–(D), inserted subpar. (E) and redesignated former subpar. (E) as (F).

Subsec. (c)(3). Pub. L. 115-70, §501(4), added par. (3). Former par. (3) redesignated (4).

Subsec. (c)(4). Pub. L. 115-70, §501(3), (5), redesignated par. (3) as (4) and inserted “(and, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State)” after “a State”. Former par. (4) redesignated (5).

Subsec. (c)(5). Pub. L. 115-70, §501(3), (6), redesignated par. (4) as (5) and inserted “(or, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State)” after “State” in two places. Former par. (5) redesignated (6).

Subsec. (c)(6). Pub. L. 115-70, §501(3), redesignated par. (5) as (6).

**§ 1397m-2. Long-term care ombudsman program grants and training****(a) Grants to support the long-term care ombudsman program****(1) In general**

The Secretary shall make grants to eligible entities with relevant expertise and experience in abuse and neglect in long-term care facilities or long-term care ombudsman programs and responsibilities, for the purpose of—

(A) improving the capacity of State long-term care ombudsman programs to respond to and resolve complaints about abuse and neglect;

(B) conducting pilot programs with State long-term care ombudsman offices or local ombudsman entities; and

(C) providing support for such State long-term care ombudsman programs and such pilot programs (such as through the establishment of a national long-term care ombudsman resource center).

**(2) Authorization of appropriations**

There are authorized to be appropriated to carry out this subsection—

(A) for fiscal year 2011, \$5,000,000;

(B) for fiscal year 2012, \$7,500,000; and

(C) for each of fiscal years 2013 and 2014, \$10,000,000.

**(b) Ombudsman training programs****(1) In general**

The Secretary shall establish programs to provide and improve ombudsman training with respect to elder abuse, neglect, and exploitation for national organizations and State long-term care ombudsman programs.

**(2) Authorization of appropriations**

There are authorized to be appropriated to carry out this subsection, for each of fiscal years 2011 through 2014, \$10,000,000.

(Aug. 14, 1935, ch. 531, title XX, §2043, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 796.)

**§ 1397m-3. Provision of information regarding, and evaluations of, elder justice programs****(a) Provision of information**

To be eligible to receive a grant under this part, an applicant shall agree—

(1) except as provided in paragraph (2), to provide the eligible entity conducting an evaluation under subsection (b) of the activities funded through the grant with such information as the eligible entity may require in order to conduct such evaluation; or

(2) in the case of an applicant for a grant under section 1397m(b) of this title, to provide the Secretary with such information as the Secretary may require to conduct an evaluation or audit under subsection (c).

**(b) Use of eligible entities to conduct evaluations****(1) Evaluations required**

Except as provided in paragraph (2), the Secretary shall—

(A) reserve a portion (not less than 2 percent) of the funds appropriated with respect to each program carried out under this part; and

(B) use the funds reserved under subparagraph (A) to provide assistance to eligible entities to conduct evaluations of the activities funded under each program carried out under this part.

**(2) Certified EHR technology grant program not included**

The provisions of this subsection shall not apply to the certified EHR technology grant program under section 1397m(b) of this title.

**(3) Authorized activities**

A recipient of assistance described in paragraph (1)(B) shall use the funds made available through the assistance to conduct a validated evaluation of the effectiveness of the activities funded under a program carried out under this part.

**(4) Applications**

To be eligible to receive assistance under paragraph (1)(B), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a proposal for the evaluation.

**(5) Reports**

Not later than a date specified by the Secretary, an eligible entity receiving assistance under paragraph (1)(B) shall submit to the Secretary, the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate a report containing the results of the evaluation conducted using such assistance together with such recommendations as the entity determines to be appropriate.

**(c) Evaluations and audits of certified EHR technology grant program by the Secretary****(1) Evaluations**

The Secretary shall conduct an evaluation of the activities funded under the certified

EHR technology grant program under section 1397m(b) of this title. Such evaluation shall include an evaluation of whether the funding provided under the grant is expended only for the purposes for which it is made.

**(2) Audits**

The Secretary shall conduct appropriate audits of grants made under section 1397m(b) of this title.

(Aug. 14, 1935, ch. 531, title XX, §2044, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 796.)

**§ 1397m-4. Report**

Not later than October 1, 2014, the Secretary shall submit to the Elder Justice Coordinating Council established under section 1397k of this title, the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate a report—

(1) compiling, summarizing, and analyzing the information contained in the State reports submitted under subsections (b)(4) and (c)(4)<sup>1</sup> of section 1397m-1 of this title; and

(2) containing such recommendations for legislative or administrative action as the Secretary determines to be appropriate.

(Aug. 14, 1935, ch. 531, title XX, §2045, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 797.)

**Editorial Notes**

REFERENCES IN TEXT

Subsection (c)(4) of section 1397m-1 of this title, referred to in par. (1), was redesignated subsec. (c)(5) by Pub. L. 115-70, title V, §501(3), Oct. 18, 2017, 131 Stat. 1215.

**§ 1397m-5. Rule of construction**

Nothing in this division shall be construed as—

(1) limiting any cause of action or other relief related to obligations under this division that is available under the law of any State, or political subdivision thereof; or

(2) creating a private cause of action for a violation of this division.

(Aug. 14, 1935, ch. 531, title XX, §2046, as added Pub. L. 111-148, title VI, §6703(a)(1)(C), Mar. 23, 2010, 124 Stat. 798.)

Division C—Social Impact Demonstration Projects

**§ 1397n. Purposes**

The purposes of this division are the following:

(1) To improve the lives of families and individuals in need in the United States by funding social programs that achieve real results.

(2) To redirect funds away from programs that, based on objective data, are ineffective, and into programs that achieve demonstrable, measurable results.

(3) To ensure Federal funds are used effectively on social services to produce positive

outcomes for both service recipients and taxpayers.

(4) To establish the use of social impact partnerships to address some of our Nation's most pressing problems.

(5) To facilitate the creation of public-private partnerships that bundle philanthropic or other private resources with existing public spending to scale up effective social interventions already being implemented by private organizations, nonprofits, charitable organizations, and State and local governments across the country.

(6) To bring pay-for-performance to the social sector, allowing the United States to improve the impact and effectiveness of vital social services programs while redirecting inefficient or duplicative spending.

(7) To incorporate outcomes measurement and randomized controlled trials or other rigorous methodologies for assessing program impact.

(Aug. 14, 1935, ch. 531, title XX, §2051, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 269.)

**§ 1397n-1. Social impact partnership application**

**(a) Notice**

Not later than 1 year after February 9, 2018, the Secretary of the Treasury, in consultation with the Federal Interagency Council on Social Impact Partnerships, shall publish in the Federal Register a request for proposals from States or local governments for social impact partnership projects in accordance with this section.

**(b) Required outcomes for social impact partnership project**

To qualify as a social impact partnership project under this division, a project must produce one or more measurable, clearly defined outcomes that result in social benefit and Federal, State, or local savings through any of the following:

(1) Increasing work and earnings by individuals in the United States who are unemployed for more than 6 consecutive months.

(2) Increasing employment and earnings of individuals who have attained 16 years of age but not 25 years of age.

(3) Increasing employment among individuals receiving Federal disability benefits.

(4) Reducing the dependence of low-income families on Federal means-tested benefits.

(5) Improving rates of high school graduation.

(6) Reducing teen and unplanned pregnancies.

(7) Improving birth outcomes and early childhood health and development among low-income families and individuals.

(8) Reducing rates of asthma, diabetes, or other preventable diseases among low-income families and individuals to reduce the utilization of emergency and other high-cost care.

(9) Increasing the proportion of children living in two-parent families.

(10) Reducing incidences and adverse consequences of child abuse and neglect.

(11) Reducing the number of youth in foster care by increasing adoptions, permanent

<sup>1</sup> See References in Text note below.



guardianship arrangements, reunifications, or placements with a fit and willing relative, or by avoiding placing children in foster care by ensuring they can be cared for safely in their own homes.

(12) Reducing the number of children and youth in foster care residing in group homes, child care institutions, agency-operated foster homes, or other non-family foster homes, unless it is determined that it is in the interest of the child's long-term health, safety, or psychological well-being to not be placed in a family foster home.

(13) Reducing the number of children returning to foster care.

(14) Reducing recidivism among juvenile offenders, individuals released from prison, or other high-risk populations.

(15) Reducing the rate of homelessness among our most vulnerable populations.

(16) Improving the health and well-being of those with mental, emotional, and behavioral health needs.

(17) Improving the educational outcomes of special-needs or low-income children.

(18) Improving the employment and well-being of returning United States military members.

(19) Increasing the financial stability of low-income families.

(20) Increasing the independence and employability of individuals who are physically or mentally disabled.

(21) Other measurable outcomes defined by the State or local government that result in positive social outcomes and Federal savings.

**(c) Application required**

The notice described in subsection (a) shall require a State or local government to submit an application for the social impact partnership project that addresses the following:

(1) The outcome goals of the project.

(2) A description of each intervention in the project and anticipated outcomes of the intervention.

(3) Rigorous evidence demonstrating that the intervention can be expected to produce the desired outcomes.

(4) The target population that will be served by the project.

(5) The expected social benefits to participants who receive the intervention and others who may be impacted.

(6) Projected Federal, State, and local government costs and other costs to conduct the project.

(7) Projected Federal, State, and local government savings and other savings, including an estimate of the savings to the Federal Government, on a program-by-program basis and in the aggregate, if the project is implemented and the outcomes are achieved as a result of the intervention.

(8) If savings resulting from the successful completion of the project are estimated to accrue to the State or local government, the likelihood of the State or local government to realize those savings.

(9) A plan for delivering the intervention through a social impact partnership model.

(10) A description of the expertise of each service provider that will administer the intervention, including a summary of the experience of the service provider in delivering the proposed intervention or a similar intervention, or demonstrating that the service provider has the expertise necessary to deliver the proposed intervention.

(11) An explanation of the experience of the State or local government, the intermediary, or the service provider in raising private and philanthropic capital to fund social service investments.

(12) The detailed roles and responsibilities of each entity involved in the project, including any State or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

(13) A summary of the experience of the service provider in delivering the proposed intervention or a similar intervention, or a summary demonstrating the service provider has the expertise necessary to deliver the proposed intervention.

(14) A summary of the unmet need in the area where the intervention will be delivered or among the target population who will receive the intervention.

(15) The proposed payment terms, the methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

(16) The project budget.

(17) The project timeline.

(18) The criteria used to determine the eligibility of an individual for the project, including how selected populations will be identified, how they will be referred to the project, and how they will be enrolled in the project.

(19) The evaluation design.

(20) The metrics that will be used in the evaluation to determine whether the outcomes have been achieved as a result of the intervention and how the metrics will be measured.

(21) An explanation of how the metrics used in the evaluation to determine whether the outcomes achieved as a result of the intervention are independent, objective indicators of impact and are not subject to manipulation by the service provider, intermediary, or investor.

(22) A summary explaining the independence of the evaluator from the other entities involved in the project and the evaluator's experience in conducting rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials on the intervention or similar interventions.

(23) The capacity of the service provider to deliver the intervention to the number of participants the State or local government proposes to serve in the project.

(24) A description of whether and how the State or local government and service providers plan to sustain the intervention, if it is timely and appropriate to do so, to ensure that successful interventions continue to operate after the period of the social impact partnership.

**(d) Project intermediary information required**

The application described in subsection (c) shall also contain the following information about any intermediary for the social impact partnership project (whether an intermediary is a service provider or other entity):

(1) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

(2) The mission and goals.

(3) Information on whether the intermediary is already working with service providers that provide this intervention or an explanation of the capacity of the intermediary to begin working with service providers to provide the intervention.

(4) Experience working in a collaborative environment across government and nongovernmental entities.

(5) Previous experience collaborating with public or private entities to implement evidence-based programs.

(6) Ability to raise or provide funding to cover operating costs (if applicable to the project).

(7) Capacity and infrastructure to track outcomes and measure results, including—

(A) capacity to track and analyze program performance and assess program impact; and

(B) experience with performance-based awards or performance-based contracting and achieving project milestones and targets.

(8) Role in delivering the intervention.

(9) How the intermediary would monitor program success, including a description of the interim benchmarks and outcome measures.

**(e) Feasibility studies funded through other sources**

The notice described in subsection (a) shall permit a State or local government to submit an application for social impact partnership funding that contains information from a feasibility study developed for purposes other than applying for funding under this division.

(Aug. 14, 1935, ch. 531, title XX, §2052, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 270.)

**§ 1397n-2. Awarding social impact partnership agreements****(a) Timeline in awarding agreement**

Not later than 6 months after receiving an application in accordance with section 1397n-1 of this title, the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, shall determine whether to enter into an agreement for a social impact partnership project with a State or local government.

**(b) Considerations in awarding agreement**

In determining whether to enter into an agreement for a social impact partnership project (the application for which was submitted under section 1397n-1 of this title) the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a

similar intervention or serving a population similar to that served by the project, shall consider each of the following:

(1) The recommendations made by the Commission on Social Impact Partnerships.

(2) The value to the Federal Government of the outcomes expected to be achieved if the outcomes specified in the agreement are achieved as a result of the intervention.

(3) The likelihood, based on evidence provided in the application and other evidence, that the State or local government in collaboration with the intermediary and the service providers will achieve the outcomes.

(4) The savings to the Federal Government if the outcomes specified in the agreement are achieved as a result of the intervention.

(5) The savings to the State and local governments if the outcomes specified in the agreement are achieved as a result of the intervention.

(6) The expected quality of the evaluation that would be conducted with respect to the agreement.

(7) The capacity and commitment of the State or local government to sustain the intervention, if appropriate and timely and if the intervention is successful, beyond the period of the social impact partnership.

**(c) Agreement authority****(1) Agreement requirements**

In accordance with this section, the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, may enter into an agreement for a social impact partnership project with a State or local government if the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, determines that each of the following requirements are met:

(A) The State or local government agrees to achieve one or more outcomes as a result of the intervention, as specified in the agreement and validated by independent evaluation, in order to receive payment.

(B) The Federal payment to the State or local government for each specified outcome achieved as a result of the intervention is less than or equal to the value of the outcome to the Federal Government over a period not to exceed 10 years, as determined by the Secretary, in consultation with the State or local government.

(C) The duration of the project does not exceed 10 years.

(D) The State or local government has demonstrated, through the application submitted under section 1397n-1 of this title, that, based on prior rigorous experimental evaluations or rigorous quasi-experimental studies, the intervention can be expected to achieve each outcome specified in the agreement.

(E) The State, local government, intermediary, or service provider has experience raising private or philanthropic capital to

fund social service investments (if applicable to the project).

(F) The State or local government has shown that each service provider has experience delivering the intervention, a similar intervention, or has otherwise demonstrated the expertise necessary to deliver the intervention.

**(2) Payment**

The Secretary shall pay the State or local government only if the independent evaluator described in section 1397n-4 of this title determines that the social impact partnership project has met the requirements specified in the agreement and achieved an outcome as a result of the intervention, as specified in the agreement and validated by independent evaluation.

**(d) Notice of Agreement Award**

Not later than 30 days after entering into an agreement under this section the Secretary shall publish a notice in the Federal Register that includes, with regard to the agreement, the following:

(1) The outcome goals of the social impact partnership project.

(2) A description of each intervention in the project.

(3) The target population that will be served by the project.

(4) The expected social benefits to participants who receive the intervention and others who may be impacted.

(5) The detailed roles, responsibilities, and purposes of each Federal, State, or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

(6) The payment terms, the methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

(7) The project budget.

(8) The project timeline.

(9) The project eligibility criteria.

(10) The evaluation design.

(11) The metrics that will be used in the evaluation to determine whether the outcomes have been achieved as a result of each intervention and how these metrics will be measured.

(12) The estimate of the savings to the Federal, State, and local government, on a program-by-program basis and in the aggregate, if the agreement is entered into and implemented and the outcomes are achieved as a result of each intervention.

**(e) Authority to transfer administration of agreement**

The Secretary may transfer to the head of another Federal agency the authority to administer (including making payments under) an agreement entered into under subsection (c), and any funds necessary to do so.

**(f) Requirement on funding used to benefit children**

Not less than 50 percent of all Federal payments made to carry out agreements under this section shall be used for initiatives that directly benefit children.

(Aug. 14, 1935, ch. 531, title XX, § 2053, as added Pub. L. 115-123, div. E, title VIII, § 50802(2), Feb. 9, 2018, 132 Stat. 273.)

**§ 1397n-3. Feasibility study funding**

**(a) Requests for funding for feasibility studies**

The Secretary shall reserve a portion of the amount made available to carry out this division to assist States or local governments in developing feasibility studies to apply for social impact partnership funding under section 1397n-1 of this title. To be eligible to receive funding to assist with completing a feasibility study, a State or local government shall submit an application for feasibility study funding addressing the following:

(1) A description of the outcome goals of the social impact partnership project.

(2) A description of the intervention, including anticipated program design, target population, an estimate regarding the number of individuals to be served, and setting for the intervention.

(3) Evidence to support the likelihood that the intervention will produce the desired outcomes.

(4) A description of the potential metrics to be used.

(5) The expected social benefits to participants who receive the intervention and others who may be impacted.

(6) Estimated costs to conduct the project.

(7) Estimates of Federal, State, and local government savings and other savings if the project is implemented and the outcomes are achieved as a result of each intervention.

(8) An estimated timeline for implementation and completion of the project, which shall not exceed 10 years.

(9) With respect to a project for which the State or local government selects an intermediary to operate the project, any partnerships needed to successfully execute the project and the ability of the intermediary to foster the partnerships.

(10) The expected resources needed to complete the feasibility study for the State or local government to apply for social impact partnership funding under section 1397n-1 of this title.

**(b) Federal selection of applications for feasibility study**

Not later than 6 months after receiving an application for feasibility study funding under subsection (a), the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, shall select State or local government feasibility study proposals for funding based on the following:

(1) The recommendations made by the Commission on Social Impact Partnerships.

(2) The likelihood that the proposal will achieve the desired outcomes.

(3) The value of the outcomes expected to be achieved as a result of each intervention.

(4) The potential savings to the Federal Government if the social impact partnership project is successful.

(5) The potential savings to the State and local governments if the project is successful.

**(c) Public disclosure**

Not later than 30 days after selecting a State or local government for feasibility study funding under this section, the Secretary shall cause to be published on the website of the Federal Interagency Council on Social Impact Partnerships information explaining why a State or local government was granted feasibility study funding.

**(d) Funding restriction**

**(1) Feasibility study restriction**

The Secretary may not provide feasibility study funding under this section for more than 50 percent of the estimated total cost of the feasibility study reported in the State or local government application submitted under subsection (a).

**(2) Aggregate restriction**

Of the total amount made available to carry out this division, the Secretary may not use more than \$10,000,000 to provide feasibility study funding to States or local governments under this section.

**(3) No guarantee of funding**

The Secretary shall have the option to award no funding under this section.

**(e) Submission of feasibility study required**

Not later than 9 months after the receipt of feasibility study funding under this section, a State or local government receiving the funding shall complete the feasibility study and submit the study to the Federal Interagency Council on Social Impact Partnerships.

**(f) Delegation of authority**

The Secretary may transfer to the head of another Federal agency the authorities provided in this section and any funds necessary to exercise the authorities.

(Aug. 14, 1935, ch. 531, title XX, §2054, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 275.)

**§ 1397n-4. Evaluations**

**(a) Authority to enter into agreements**

For each State or local government awarded a social impact partnership project approved by the Secretary under this division, the head of the relevant agency, as recommended by the Federal Interagency Council on Social Impact Partnerships and determined by the Secretary, shall enter into an agreement with the State or local government to pay for all or part of the independent evaluation to determine whether the State or local government project has achieved a specific outcome as a result of the intervention in order for the State or local government to receive outcome payments under this division.

**(b) Evaluator qualifications**

The head of the relevant agency may not enter into an agreement with a State or local government unless the head determines that the evaluator is independent of the other parties to the

agreement and has demonstrated substantial experience in conducting rigorous evaluations of program effectiveness including, where available and appropriate, well-implemented randomized controlled trials on the intervention or similar interventions.

**(c) Methodologies to be used**

The evaluation used to determine whether a State or local government will receive outcome payments under this division shall use experimental designs using random assignment or other reliable, evidence-based research methodologies, as certified by the Federal Interagency Council on Social Impact Partnerships, that allow for the strongest possible causal inferences when random assignment is not feasible.

**(d) Progress report**

**(1) Submission of report**

The independent evaluator shall—

(A) not later than 2 years after a project has been approved by the Secretary and bi-annually thereafter until the project is concluded, submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report summarizing the progress that has been made in achieving each outcome specified in the agreement; and

(B) before the scheduled time of the first outcome payment and before the scheduled time of each subsequent payment, submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report that includes the results of the evaluation conducted to determine whether an outcome payment should be made along with information on the unique factors that contributed to achieving or failing to achieve the outcome, the challenges faced in attempting to achieve the outcome, and information on the improved future delivery of this or similar interventions.

**(2) Submission to the Secretary and Congress**

Not later than 30 days after receipt of the written report pursuant to paragraph (1)(B), the Federal Interagency Council on Social Impact Partnerships shall submit the report to the Secretary and each committee of jurisdiction in the House of Representatives and the Senate.

**(e) Final report**

**(1) Submission of report**

Within 6 months after the social impact partnership project is completed, the independent evaluator shall—

(A) evaluate the effects of the activities undertaken pursuant to the agreement with regard to each outcome specified in the agreement; and

(B) submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report that includes the results of the evaluation and the conclusion of the evaluator as to whether the State or local government has fulfilled each obligation of the agree-

ment, along with information on the unique factors that contributed to the success or failure of the project, the challenges faced in attempting to achieve the outcome, and information on the improved future delivery of this or similar interventions.

**(2) Submission to the Secretary and Congress**

Not later than 30 days after receipt of the written report pursuant to paragraph (1)(B), the Federal Interagency Council on Social Impact Partnerships shall submit the report to the Secretary and each committee of jurisdiction in the House of Representatives and the Senate.

**(f) Limitation on cost of evaluations**

Of the amount made available under this division for social impact partnership projects, the Secretary may not obligate more than 15 percent to evaluate the implementation and outcomes of the projects.

**(g) Delegation of authority**

The Secretary may transfer to the head of another Federal agency the authorities provided in this section and any funds necessary to exercise the authorities.

(Aug. 14, 1935, ch. 531, title XX, §2055, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 276.)

**§ 1397n-5. Federal Interagency Council on Social Impact Partnerships**

**(a) Establishment**

There is established the Federal Interagency Council on Social Impact Partnerships (in this section referred to as the “Council”) to—

- (1) coordinate with the Secretary on the efforts of social impact partnership projects funded under this division;
- (2) advise and assist the Secretary in the development and implementation of the projects;
- (3) advise the Secretary on specific programmatic and policy matter related to the projects;
- (4) provide subject-matter expertise to the Secretary with regard to the projects;
- (5) certify to the Secretary that each State or local government that has entered into an agreement with the Secretary for a social impact partnership project under this division and each evaluator selected by the head of the relevant agency under section 1397n-4 of this title has access to Federal administrative data to assist the State or local government and the evaluator in evaluating the performance and outcomes of the project;
- (6) address issues that will influence the future of social impact partnership projects in the United States;
- (7) provide guidance to the executive branch on the future of social impact partnership projects in the United States;
- (8) prior to approval by the Secretary, certify that each State and local government application for a social impact partnership contains rigorous, independent data and reliable, evidence-based research methodologies to support the conclusion that the project will yield

savings to the State or local government or the Federal Government if the project outcomes are achieved;

(9) certify to the Secretary, in the case of each approved social impact partnership that is expected to yield savings to the Federal Government, that the project will yield a projected savings to the Federal Government if the project outcomes are achieved, and coordinate with the relevant Federal agency to produce an after-action accounting once the project is complete to determine the actual Federal savings realized, and the extent to which actual savings aligned with projected savings; and

(10) provide periodic reports to the Secretary and make available reports periodically to Congress and the public on the implementation of this division.

**(b) Composition of Council**

The Council shall have 11 members, as follows:

**(1) Chair**

The Chair of the Council shall be the Director of the Office of Management and Budget.

**(2) Other members**

The head of each of the following entities shall designate one officer or employee of the entity to be a Council member:

- (A) The Department of Labor.
- (B) The Department of Health and Human Services.
- (C) The Social Security Administration.
- (D) The Department of Agriculture.
- (E) The Department of Justice.
- (F) The Department of Housing and Urban Development.
- (G) The Department of Education.
- (H) The Department of Veterans Affairs.
- (I) The Department of the Treasury.
- (J) The Corporation for National and Community Service.

(Aug. 14, 1935, ch. 531, title XX, §2056, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 278.)

**§ 1397n-6. Commission on Social Impact Partnerships**

**(a) Establishment**

There is established the Commission on Social Impact Partnerships (in this section referred to as the “Commission”).

**(b) Duties**

The duties of the Commission shall be to—

- (1) assist the Secretary and the Federal Interagency Council on Social Impact Partnerships in reviewing applications for funding under this division;
- (2) make recommendations to the Secretary and the Federal Interagency Council on Social Impact Partnerships regarding the funding of social impact partnership agreements and feasibility studies; and
- (3) provide other assistance and information as requested by the Secretary or the Federal Interagency Council on Social Impact Partnerships.

**(c) Composition**

The Commission shall be composed of nine members, of whom—

(1) one shall be appointed by the President, who will serve as the Chair of the Commission;

(2) one shall be appointed by the Majority Leader of the Senate;

(3) one shall be appointed by the Minority Leader of the Senate;

(4) one shall be appointed by the Speaker of the House of Representatives;

(5) one shall be appointed by the Minority Leader of the House of Representatives;

(6) one shall be appointed by the Chairman of the Committee on Finance of the Senate;

(7) one shall be appointed by the ranking member of the Committee on Finance of the Senate;

(8) one member shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives; and

(9) one shall be appointed by the ranking member of the Committee on Ways and Means of the House of Representatives.

**(d) Qualifications of Commission members**

The members of the Commission shall—

(1) be experienced in finance, economics, pay for performance, or program evaluation;

(2) have relevant professional or personal experience in a field related to one or more of the outcomes listed in this division; or

(3) be qualified to review applications for social impact partnership projects to determine whether the proposed metrics and evaluation methodologies are appropriately rigorous and reliant upon independent data and evidence-based research.

**(e) Timing of appointments**

The appointments of the members of the Commission shall be made not later than 120 days after February 9, 2018, or, in the event of a vacancy, not later than 90 days after the date the vacancy arises. If a member of Congress fails to appoint a member by that date, the President may select a member of the President's choice on behalf of the member of Congress. Notwithstanding the preceding sentence, if not all appointments have been made to the Commission as of that date, the Commission may operate with no fewer than five members until all appointments have been made.

**(f) Term of appointments**

**(1) In general**

The members appointed under subsection (c) shall serve as follows:

(A) Three members shall serve for 2 years.

(B) Three members shall serve for 3 years.

(C) Three members (one of which shall be Chair of the Commission appointed by the President) shall serve for 4 years.

**(2) Assignment of terms**

The Commission shall designate the term length that each member appointed under subsection (c) shall serve by unanimous agreement. In the event that unanimous agreement cannot be reached, term lengths shall be assigned to the members by a random process.

**(g) Vacancies**

Subject to subsection (e), in the event of a vacancy in the Commission, whether due to the

resignation of a member, the expiration of a member's term, or any other reason, the vacancy shall be filled in the manner in which the original appointment was made and shall not affect the powers of the Commission.

**(h) Appointment power**

Members of the Commission appointed under subsection (c) shall not be subject to confirmation by the Senate.

(Aug. 14, 1935, ch. 531, title XX, §2057, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 279.)

**§ 1397n-7. Limitation on use of funds**

Of the amounts made available to carry out this division, the Secretary may not use more than \$2,000,000 in any fiscal year to support the review, approval, and oversight of social impact partnership projects, including activities conducted by—

(1) the Federal Interagency Council on Social Impact Partnerships; and

(2) any other agency consulted by the Secretary before approving a social impact partnership project or a feasibility study under section 1397n-3 of this title.

(Aug. 14, 1935, ch. 531, title XX, §2058, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 280.)

**§ 1397n-8. No Federal funding for credit enhancements**

No amount made available to carry out this division may be used to provide any insurance, guarantee, or other credit enhancement to a State or local government under which a Federal payment would be made to a State or local government as the result of a State or local government failing to achieve an outcome specified in an agreement.

(Aug. 14, 1935, ch. 531, title XX, §2059, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 281.)

**§ 1397n-9. Availability of funds**

Amounts made available to carry out this division shall remain available until 10 years after February 9, 2018.

(Aug. 14, 1935, ch. 531, title XX, §2060, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 281.)

**§ 1397n-10. Website**

The Federal Interagency Council on Social Impact Partnerships shall establish and maintain a public website that shall display the following:

(1) A copy of, or method of accessing, each notice published regarding a social impact partnership project pursuant to this division.

(2) A copy of each feasibility study funded under this division.

(3) For each State or local government that has entered into an agreement with the Secretary for a social impact partnership project, the website shall contain the following information:

(A) The outcome goals of the project.

(B) A description of each intervention in the project.

(C) The target population that will be served by the project.

(D) The expected social benefits to participants who receive the intervention and others who may be impacted.

(E) The detailed roles, responsibilities, and purposes of each Federal, State, or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

(F) The payment terms, methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

(G) The project budget.

(H) The project timeline.

(I) The project eligibility criteria.

(J) The evaluation design.

(K) The metrics used to determine whether the proposed outcomes have been achieved and how these metrics are measured.

(4) A copy of the progress reports and the final reports relating to each social impact partnership project.

(5) An estimate of the savings to the Federal, State, and local government, on a program-by-program basis and in the aggregate, resulting from the successful completion of the social impact partnership project.

(Aug. 14, 1935, ch. 531, title XX, §2061, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 281.)

#### § 1397n-11. Regulations

The Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, may issue regulations as necessary to carry out this division.

(Aug. 14, 1935, ch. 531, title XX, §2062, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 282.)

#### § 1397n-12. Definitions

In this division:

##### (1) Agency

The term “agency” has the meaning given that term in section 551 of title 5.

##### (2) Intervention

The term “intervention” means a specific service delivered to achieve an impact through a social impact partnership project.

##### (3) Secretary

The term “Secretary” means the Secretary of the Treasury.

##### (4) Social impact partnership project

The term “social impact partnership project” means a project that finances social services using a social impact partnership model.

##### (5) Social impact partnership model

The term “social impact partnership model” means a method of financing social services in which—

(A) Federal funds are awarded to a State or local government only if a State or local

government achieves certain outcomes agreed on by the State or local government and the Secretary; and

(B) the State or local government coordinates with service providers, investors (if applicable to the project), and (if necessary) an intermediary to identify—

(i) an intervention expected to produce the outcome;

(ii) a service provider to deliver the intervention to the target population; and

(iii) investors to fund the delivery of the intervention.

#### (6) State

The term “State” means each State of the United States, the District of Columbia, each commonwealth, territory or possession of the United States, and each federally recognized Indian tribe.

(Aug. 14, 1935, ch. 531, title XX, §2063, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 282.)

#### § 1397n-13. Funding

Out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated \$100,000,000 for fiscal year 2018 to carry out this division.

(Aug. 14, 1935, ch. 531, title XX, §2064, as added Pub. L. 115-123, div. E, title VIII, §50802(2), Feb. 9, 2018, 132 Stat. 282.)

### SUBCHAPTER XXI—STATE CHILDREN’S HEALTH INSURANCE PROGRAM

#### § 1397aa. Purpose; State child health plans

##### (a) Purpose

The purpose of this subchapter is to provide funds to States to enable them to initiate and expand the provision of child health assistance to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage for children. Such assistance shall be provided primarily for obtaining health benefits coverage through—

(1) obtaining coverage that meets the requirements of section 1397cc of this title, or

(2) providing benefits under the State’s Medicaid plan under subchapter XIX,

or a combination of both.

##### (b) State child health plan required

A State is not eligible for payment under section 1397ee of this title unless the State has submitted to the Secretary under section 1397ff of this title a plan that—

(1) sets forth how the State intends to use the funds provided under this subchapter to provide child health assistance to needy children consistent with the provisions of this subchapter, and

(2) has been approved under section 1397ff of this title.

##### (c) State entitlement

This subchapter constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to