

Subsec. (e). Pub. L. 109-171, §7401(a)(4), added subsec. (e).

2002—Subsec. (a). Pub. L. 107-133, §107(d)(1)(A), made technical amendment to reference in original act which appears in text as reference to part E of this subchapter.

Subsec. (a)(1)(A). Pub. L. 107-133, §107(d)(1)(B), made technical amendment to reference in original act which appears in text as reference to this part and part E of this subchapter.

Subsec. (a)(2). Pub. L. 107-133, §107(a)(1), added par. (2) and struck out former par. (2) which read as follows: “to implement changes deemed necessary as a result of the assessments.”

Subsec. (c)(1). Pub. L. 107-133, §107(a)(2), (b), inserted “and improvement” after “assessment” and substituted “for each of fiscal years 2002 through 2006, from the amount reserved pursuant to section 629f(b)(2) of this title (and the amount, if any, reserved pursuant to section 629g(b)(2) of this title), of an amount equal to the sum of \$85,000 plus the amount described in paragraph (2) of this subsection for the fiscal year.” for “for each of fiscal years 1995 through 2001, from amounts reserved pursuant to section 629(d)(2) of this title, of an amount equal to the sum of—

“(A) for fiscal year 1995, \$75,000 plus the amount described in paragraph (2) for fiscal year 1995; and

“(B) for each of fiscal years 1996 through 2001, \$85,000 plus the amount described in paragraph (2) for each of such fiscal years.”

Subsec. (c)(2). Pub. L. 107-133, §107(d)(2), substituted “section 629f(b)(2) of this title (and the amount, if any, reserved pursuant to section 629g(b)(2) of this title)” for “section 629(d)(2) of this title”.

Subsec. (d). Pub. L. 107-133, §107(c), in heading substituted “Federal share” for “Use of grant funds” and in text substituted “to pay not more than 75 percent of the cost of activities under this section in each of fiscal years 2002 through 2006.” for “to pay—

“(1) any or all costs of activities under this section in fiscal year 1995; and

“(2) not more than 75 percent of the cost of activities under this section in each of fiscal years 1996, 1997, 1998, 1999, 2000, and 2001.”

1997—Subsec. (c)(1). Pub. L. 105-89, §305(a)(3)(A), substituted “2001” for “1998” in introductory provisions and par. (B).

Subsec. (d)(2). Pub. L. 105-89, §305(a)(3)(B), substituted “1998, 1999, 2000, and 2001” for “and 1998”.

#### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by section 50741(c) of Pub. L. 115-123 effective as if enacted on Jan. 1, 2018, subject to transition rule and State waiver provisions, see section 50746 of Pub. L. 115-123, set out as a note under section 622 of this title.

#### EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-34, title I, §104(e), Sept. 30, 2011, 125 Stat. 376, provided that the amendment by section 104(e) of Pub. L. 112-34 is effective as if included in the enactment of Pub. L. 109-239.

Amendment by section 104(a)–(d) of Pub. L. 112-34 effective Oct. 1, 2011, and applicable to payments under this part and part E of this subchapter for calendar quarters beginning on or after such date, without regard to whether implementing regulations have been promulgated, and with delay permitted if State legislation is required to meet additional requirements, see section 107 of Pub. L. 112-34, set out as a note under section 622 of this title.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-242, §133, Sept. 30, 2010, 124 Stat. 2613, provided that the amendment made by section 133 is effective Oct. 1, 2010.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-288 effective Oct. 1, 2006, and applicable to payments under this part and part E

of this subchapter for calendar quarters beginning on or after such date, without regard to whether implementing regulations have been promulgated, and with delay permitted if State legislation is required to meet additional requirements, see section 12(a), (b) of Pub. L. 109-288, set out as a note under section 621 of this title.

Amendment by Pub. L. 109-239 effective Oct. 1, 2006, and applicable to payments under this part and part E of this subchapter for calendar quarters beginning on or after such date, without regard to whether implementing regulations have been promulgated, and with delay permitted if State legislation is required to meet additional requirements, see section 14 of Pub. L. 109-239, set out as a note under section 622 of this title.

Amendment by Pub. L. 109-171 effective as if enacted on Oct. 1, 2005, except as otherwise provided, see section 7701 of Pub. L. 109-171, set out as a note under section 603 of this title.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-133 effective Jan. 17, 2002, with delay permitted if State legislation is required, see section 301 of Pub. L. 107-133, set out as a note under section 629 of this title.

#### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-89 effective Nov. 19, 1997, except as otherwise provided, with delay permitted if State legislation is required, see section 501 of Pub. L. 105-89, set out as a note under section 622 of this title.

### § 629i. Grants for programs for mentoring children of prisoners

#### (a) Findings and purposes

##### (1) Findings

(A) In the period between 1991 and 1999, the number of children with a parent incarcerated in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. In 1999, 2.1 percent of all children in the United States had a parent in Federal or State prison.

(B) Prior to incarceration, 64 percent of female prisoners and 44 percent of male prisoners in State facilities lived with their children.

(C) Nearly 90 percent of the children of incarcerated fathers live with their mothers, and 79 percent of the children of incarcerated mothers live with a grandparent or other relative.

(D) Parental arrest and confinement lead to stress, trauma, stigmatization, and separation problems for children. These problems are coupled with existing problems that include poverty, violence, parental substance abuse, high-crime environments, intrafamilial abuse, child abuse and neglect, multiple care givers, and/or prior separations. As a result, these children often exhibit a broad variety of behavioral, emotional, health, and educational problems that are often compounded by the pain of separation.

(E) Empirical research demonstrates that mentoring is a potent force for improving children's behavior across all risk behaviors affecting health. Quality, one-on-one relationships that provide young people with caring role models for future success have profound, life-changing potential. Done right, mentoring markedly advances youths' life prospects. A widely cited 1995 study by Public/Private Ventures measured the impact of one Big Brothers

Big Sisters program and found significant effects in the lives of youth—cutting first-time drug use by almost half and first-time alcohol use by about a third, reducing school absenteeism by half, cutting assaultive behavior by a third, improving parental and peer relationships, giving youth greater confidence in their school work, and improving academic performance.

**(2) Purposes**

The purposes of this section are to authorize the Secretary—

(A) to make competitive grants to applicants in areas with substantial numbers of children of incarcerated parents, to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring services for children of prisoners; and

(B) to enter into on a competitive basis a cooperative agreement to conduct a service delivery demonstration project in accordance with the requirements of subsection (g).

**(b) Definitions**

In this section:

**(1) Children of prisoners**

The term “children of prisoners” means children one or both of whose parents are incarcerated in a Federal, State, or local correctional facility. The term is deemed to include children who are in an ongoing mentoring relationship in a program under this section at the time of their parents’ release from prison, for purposes of continued participation in the program.

**(2) Mentoring**

The term “mentoring” means a structured, managed program in which children are appropriately matched with screened and trained adult volunteers for one-on-one relationships, involving meetings and activities on a regular basis, intended to meet, in part, the child’s need for involvement with a caring and supportive adult who provides a positive role model.

**(3) Mentoring services**

The term “mentoring services” means those services and activities that support a structured, managed program of mentoring, including the management by trained personnel of outreach to, and screening of, eligible children; outreach to, education and training of, and liaison with sponsoring local organizations; screening and training of adult volunteers; matching of children with suitable adult volunteer mentors; support and oversight of the mentoring relationship; and establishment of goals and evaluation of outcomes for mentored children.

**(c) Program authorized**

From the amounts appropriated under subsection (i) for a fiscal year that remain after applying subsection (i)(2), the Secretary shall make grants under this section for each of fiscal years 2007 through 2011 to State or local govern-

ments, tribal governments or tribal consortia, faith-based organizations, and community-based organizations in areas that have significant numbers of children of prisoners and that submit applications meeting the requirements of this section, in amounts that do not exceed \$5,000,000 per grant.

**(d) Application requirements**

In order to be eligible for a grant under this section, the chief executive officer of the applicant must submit to the Secretary an application containing the following:

**(1) Program design**

A description of the proposed program, including—

(A) a list of local public and private organizations and entities that will participate in the mentoring network;

(B) the name, description, and qualifications of the entity that will coordinate and oversee the activities of the mentoring network;

(C) the number of mentor-child matches proposed to be established and maintained annually under the program;

(D) such information as the Secretary may require concerning the methods to be used to recruit, screen support, and oversee individuals participating as mentors, (which methods shall include criminal background checks on the individuals), and to evaluate outcomes for participating children, including information necessary to demonstrate compliance with requirements established by the Secretary for the program; and

(E) such other information as the Secretary may require.

**(2) Community consultation; coordination with other programs**

A demonstration that, in developing and implementing the program, the applicant will, to the extent feasible and appropriate—

(A) consult with public and private community entities, including religious organizations, and including, as appropriate, Indian tribal organizations and urban Indian organizations, and with family members of potential clients;

(B) coordinate the programs and activities under the program with other Federal, State, and local programs serving children and youth; and

(C) consult with appropriate Federal, State, and local corrections, workforce development, and substance abuse and mental health agencies.

**(3) Equal access for local service providers**

An assurance that public and private entities and community organizations, including religious organizations and Indian organizations, will be eligible to participate on an equal basis.

**(4) Records, reports, and audits**

An agreement that the applicant will maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

**(5) Evaluation**

An agreement that the applicant will cooperate fully with the Secretary's ongoing and final evaluation of the program under the plan, by means including providing the Secretary access to the program and program-related records and documents, staff, and grantees receiving funding under the plan.

**(e) Federal share****(1) In general**

A grant for a program under this section shall be available to pay a percentage share of the costs of the program up to—

- (A) 75 percent for the first and second fiscal years for which the grant is awarded; and
- (B) 50 percent for the third and each succeeding such fiscal years.

**(2) Non-Federal share**

The non-Federal share of the cost of projects under this section may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

**(f) Considerations in awarding grants**

In awarding grants under this section, the Secretary shall take into consideration—

- (1) the qualifications and capacity of applicants and networks of organizations to effectively carry out a mentoring program under this section;
- (2) the comparative severity of need for mentoring services in local areas, taking into consideration data on the numbers of children (and in particular of low-income children) with an incarcerated parents<sup>1</sup> (or parents) in the areas;
- (3) evidence of consultation with existing youth and family service programs, as appropriate; and
- (4) any other factors the Secretary may deem significant with respect to the need for or the potential success of carrying out a mentoring program under this section.

**(g) Service delivery demonstration project****(1) Purpose; authority to enter into cooperative agreement**

The Secretary shall enter into a cooperative agreement with an eligible entity that meets the requirements of paragraph (2) for the purpose of requiring the entity to conduct a demonstration project consistent with this subsection under which the entity shall—

- (A) identify children of prisoners in need of mentoring services who have not been matched with a mentor by an applicant awarded a grant under this section, with a priority for identifying children who—
  - (i) reside in an area not served by a recipient of a grant under this section;
  - (ii) reside in an area that has a substantial number of children of prisoners;
  - (iii) reside in a rural area; or
  - (iv) are Indians;

(B) provide the families of the children so identified with—

(i) a voucher for mentoring services that meets the requirements of paragraph (5); and

(ii) a list of the providers of mentoring services in the area in which the family resides that satisfy the requirements of paragraph (6); and

(C) monitor and oversee the delivery of mentoring services by providers that accept the vouchers.

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

Subject to subparagraph (B), an eligible entity under this subsection is an organization that the Secretary determines, on a competitive basis—

(i) has substantial experience—

(I) in working with organizations that provide mentoring services for children of prisoners; and

(II) in developing quality standards for the identification and assessment of mentoring programs for children of prisoners; and

(ii) submits an application that satisfies the requirements of paragraph (3).

**(B) Limitation**

An organization that provides mentoring services may not be an eligible entity for purposes of being awarded a cooperative agreement under this subsection.

**(3) Application requirements**

To be eligible to be awarded a cooperative agreement under this subsection, an entity shall submit to the Secretary an application that includes the following:

**(A) Qualifications**

Evidence that the entity—

(i) meets the experience requirements of paragraph (2)(A)(i); and

(ii) is able to carry out—

(I) the purposes of this subsection identified in paragraph (1); and

(II) the requirements of the cooperative agreement specified in paragraph (4).

**(B) Service delivery plan****(i) Distribution requirements**

Subject to clause (iii), a description of the plan of the entity to ensure the distribution of not less than—

(I) 3,000 vouchers for mentoring services in the first year in which the cooperative agreement is in effect with that entity;

(II) 8,000 vouchers for mentoring services in the second year in which the agreement is in effect with that entity; and

(III) 13,000 vouchers for mentoring services in any subsequent year in which the agreement is in effect with that entity.

**(ii) Satisfaction of priorities**

A description of how the plan will ensure the delivery of mentoring services to chil-

<sup>1</sup> So in original. Probably should be "parent".

dren identified in accordance with the requirements of paragraph (1)(A).

**(iii) Secretarial authority to modify distribution requirement**

The Secretary may modify the number of vouchers specified in subclauses (I) through (III) of clause (i) to take into account the availability of appropriations and the need to ensure that the vouchers distributed by the entity are for amounts that are adequate to ensure the provision of mentoring services for a 12-month period.

**(C) Collaboration and cooperation**

A description of how the entity will ensure collaboration and cooperation with other interested parties, including courts and prisons, with respect to the delivery of mentoring services under the demonstration project.

**(D) Other**

Any other information that the Secretary may find necessary to demonstrate the capacity of the entity to satisfy the requirements of this subsection.

**(4) Cooperative agreement requirements**

A cooperative agreement awarded under this subsection shall require the eligible entity to do the following:

**(A) Identify quality standards for providers**

To work with the Secretary to identify the quality standards that a provider of mentoring services must meet in order to participate in the demonstration project and which, at a minimum, shall include criminal records checks for individuals who are prospective mentors and shall prohibit approving any individual to be a mentor if the criminal records check of the individual reveals a conviction which would prevent the individual from being approved as a foster or adoptive parent under section 671(a)(20)(A) of this title.

**(B) Identify eligible providers**

To identify and compile a list of those providers of mentoring services in any of the 50 States or the District of Columbia that meet the quality standards identified pursuant to subparagraph (A).

**(C) Identify eligible children**

To identify children of prisoners who require mentoring services, consistent with the priorities specified in paragraph (1)(A).

**(D) Monitor and oversee delivery of mentoring services**

To satisfy specific requirements of the Secretary for monitoring and overseeing the delivery of mentoring services under the demonstration project, which shall include a requirement to ensure that providers of mentoring services under the project report data on the children served and the types of mentoring services provided.

**(E) Records, reports, and audits**

To maintain any records, make any reports, and cooperate with any reviews and

audits that the Secretary determines are necessary to oversee the activities of the entity in carrying out the demonstration project under this subsection.

**(F) Evaluations**

To cooperate fully with any evaluations of the demonstration project, including collecting and monitoring data and providing the Secretary or the Secretary's designee with access to records and staff related to the conduct of the project.

**(G) Limitation on administrative expenditures**

To ensure that administrative expenditures incurred by the entity in conducting the demonstration project with respect to a fiscal year do not exceed the amount equal to 10 percent of the amount awarded to carry out the project for that year.

**(5) Voucher requirements**

A voucher for mentoring services provided to the family of a child identified in accordance with paragraph (1)(A) shall meet the following requirements:

**(A) Total payment amount; 12-month service period**

The voucher shall specify the total amount to be paid a provider of mentoring services for providing the child on whose behalf the voucher is issued with mentoring services for a 12-month period.

**(B) Periodic payments as services provided**

**(i) In general**

The voucher shall specify that it may be redeemed with the eligible entity by the provider accepting the voucher in return for agreeing to provide mentoring services for the child on whose behalf the voucher is issued.

**(ii) Demonstration of the provision of services**

A provider that redeems a voucher issued by the eligible entity shall receive periodic payments from the eligible entity during the 12-month period that the voucher is in effect upon demonstration of the provision of significant services and activities related to the provision of mentoring services to the child on whose behalf the voucher is issued.

**(6) Provider requirements**

In order to participate in the demonstration project, a provider of mentoring services shall—

(A) meet the quality standards identified by the eligible entity in accordance with paragraph (1);

(B) agree to accept a voucher meeting the requirements of paragraph (5) as payment for the provision of mentoring services to a child on whose behalf the voucher is issued;

(C) demonstrate that the provider has the capacity, and has or will have nonfederal resources, to continue supporting the provision of mentoring services to the child on whose behalf the voucher is issued, as appro-

appropriate, after the conclusion of the 12-month period during which the voucher is in effect; and

(D) if the provider is a recipient of a grant under this section, demonstrate that the provider has exhausted its capacity for providing mentoring services under the grant.

**(7) 3-year period; option for renewal**

**(A) In general**

A cooperative agreement awarded under this subsection shall be effective for a 3-year period.

**(B) Renewal**

The cooperative agreement may be renewed for an additional period, not to exceed 2 years and subject to any conditions that the Secretary may specify that are not inconsistent with the requirements of this subsection or subsection (i)(2)(B), if the Secretary determines that the entity has satisfied the requirements of the agreement and evaluations of the service delivery demonstration project demonstrate that the voucher service delivery method is effective in providing mentoring services to children of prisoners.

**(8) Independent evaluation and report**

**(A) In general**

The Secretary shall enter into a contract with an independent, private organization to evaluate and prepare a report on the first 2 fiscal years in which the demonstration project is conducted under this subsection.

**(B) Deadline for report**

Not later than 90 days after the end of the second fiscal year in which the demonstration project is conducted under this subsection, the Secretary shall submit the report required under subparagraph (A) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The report shall include—

(i) the number of children as of the end of such second fiscal year who received vouchers for mentoring services; and

(ii) any conclusions regarding the use of vouchers for the delivery of mentoring services for children of prisoners.

**(9) No effect on eligibility for other Federal assistance**

A voucher provided to a family under the demonstration project conducted under this subsection shall be disregarded for purposes of determining the eligibility for, or the amount of, any other Federal or federally-supported assistance for the family.

**(h) Independent evaluation; reports**

**(1) Independent evaluation**

The Secretary shall conduct by grant, contract, or cooperative agreement an independent evaluation of the programs authorized under this section, including the service delivery demonstration project authorized under subsection (g).

**(2) Reports**

Not later than 12 months after September 28, 2006, the Secretary shall submit a report to the Congress that includes the following:

(A) The characteristics of the mentoring programs funded under this section.

(B) The plan for implementation of the service delivery demonstration project authorized under subsection (g).

(C) A description of the outcome-based evaluation of the programs authorized under this section that the Secretary is conducting as of September 28, 2006, and how the evaluation has been expanded to include an evaluation of the demonstration project authorized under subsection (g).

(D) The date on which the Secretary shall submit a final report on the evaluation to the Congress.

**(i) Authorization of appropriations; reservations of certain amounts**

**(1) Limitations on authorization of appropriations**

To carry out this section, there are authorized to be appropriated to the Secretary such sums as may be necessary for fiscal years 2007 through 2011.

**(2) Reservations**

**(A) Research, technical assistance, and evaluation**

The Secretary shall reserve 4 percent of the amount appropriated for each fiscal year under paragraph (1) for expenditure by the Secretary for research, technical assistance, and evaluation related to programs under this section.

**(B) Service delivery demonstration project**

**(i) In general**

Subject to clause (ii), for purposes of awarding a cooperative agreement to conduct the service delivery demonstration project authorized under subsection (g), the Secretary shall reserve not more than—

(I) \$5,000,000 of the amount appropriated under paragraph (1) for the first fiscal year in which funds are to be awarded for the agreement;

(II) \$10,000,000 of the amount appropriated under paragraph (1) for the second fiscal year in which funds are to be awarded for the agreement; and

(III) \$15,000,000 of the amount appropriated under paragraph (1) for the third fiscal year in which funds are to be awarded for the agreement.

**(ii) Assurance of funding for general program grants**

With respect to any fiscal year, no funds may be awarded for a cooperative agreement under subsection (g), unless at least \$25,000,000 of the amount appropriated under paragraph (1) for that fiscal year is used by the Secretary for making grants under this section for that fiscal year.

(Aug. 14, 1935, ch. 531, title IV, §439, as added Pub. L. 107-133, title I, §121, Jan. 17, 2002, 115

Stat. 2419; amended Pub. L. 109-288, § 8, Sept. 28, 2006, 120 Stat. 1249.)

#### CODIFICATION

September 28, 2006, referred to in subsec. (h)(2), was in the original “the date of enactment of this subsection” and “that date of enactment”, which were translated as meaning the date of enactment of Pub. L. 109-288, which amended subsec. (h) of this section generally, to reflect the probable intent of Congress.

#### PRIOR PROVISIONS

A prior section 439 of act Aug. 14, 1935, was classified to section 639 of this title prior to repeal by Pub. L. 100-485.

#### AMENDMENTS

2006—Subsec. (a). Pub. L. 109-288, § 8(b)(2)(A)(i), substituted “purposes” for “purpose” in heading.

Subsec. (a)(2). Pub. L. 109-288, § 8(b)(2)(A)(ii)-(iv), substituted “Purposes” for “Purpose” in heading, substituted “The purposes of this section are to authorize the Secretary—” for “The purpose of this section is to authorize the Secretary”, designated the remaining provisions as subpar. (A), and added subpar. (B).

Subsec. (c). Pub. L. 109-288, § 8(b)(2)(B), substituted “(i)” for “(h)” and “(i)(2)” for “(h)(2)”.

Pub. L. 109-288, § 8(a)(1), substituted “2007 through 2011” for “2002 through 2006”.

Subsec. (g). Pub. L. 109-288, § 8(b)(1)(B), added subsec. (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 109-288, § 8(b)(2)(C), amended heading and text of subsec. (h) generally. Prior to amendment, text read as follows: “The Secretary shall conduct an evaluation of the programs conducted pursuant to this section, and submit to the Congress not later than April 15, 2005, a report on the findings of the evaluation.”

Pub. L. 109-288, § 8(b)(1)(A), redesignated subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsec. (h)(1). Pub. L. 109-288, § 8(a)(2)(A), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “There are authorized to be appropriated to carry out this section \$67,000,000 for each of fiscal years 2002 and 2003, and such sums as may be necessary for each succeeding fiscal year.”

Subsec. (h)(2). Pub. L. 109-288, § 8(a)(2)(B), substituted “4 percent” for “2.5 percent”.

Subsec. (i). Pub. L. 109-288, § 8(b)(2)(D)(i), substituted “reservations” for “reservation” in heading.

Pub. L. 109-288, § 8(b)(1)(A), redesignated subsec. (h) as (i).

Subsec. (i)(2). Pub. L. 109-288, § 8(b)(2)(D)(ii), substituted “Reservations” for “Reservation” in heading, designated existing provisions as subpar. (A), inserted heading, and added subpar. (B).

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-288 effective Oct. 1, 2006, and applicable to payments under this part and part E of this subchapter for calendar quarters beginning on or after such date, without regard to whether implementing regulations have been promulgated, and with delay permitted if State legislation is required to meet additional requirements, see section 12(a), (b) of Pub. L. 109-288, set out as a note under section 621 of this title.

#### EFFECTIVE DATE

Section effective Jan. 17, 2002, with delay permitted if State legislation is required, see section 301 of Pub. L. 107-133, set out as an Effective Date of 2002 Amendment note under section 629 of this title.

#### SUBPART 3—COMMON PROVISIONS

### § 629m. Data exchange standards for improved interoperability

#### (a) Designation

The Secretary shall, in consultation with an interagency work group established by the Of-

fice of Management and Budget and considering State government perspectives, by rule, designate data exchange standards to govern, under this part and part E—

(1) necessary categories of information that State agencies operating programs under State plans approved under this part are required under applicable Federal law to electronically exchange with another State agency; and

(2) Federal reporting and data exchange required under applicable Federal law.

#### (b) Requirements

The data exchange standards required by paragraph (1) shall, to the extent practicable—

(1) incorporate a widely accepted, non-proprietary, searchable, computer-readable format, such as the Extensible Markup Language;

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

(3) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

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

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

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

#### (c) Rule of construction

Nothing in this subsection<sup>1</sup> shall be construed to require a change to existing data exchange standards found to be effective and efficient.

(Aug. 14, 1935, ch. 531, title IV, § 440, as added Pub. L. 112-34, title I, § 105(a), Sept. 30, 2011, 125 Stat. 376; amended Pub. L. 115-123, div. E, title VII, § 50771(a), Feb. 9, 2018, 132 Stat. 267.)

#### PRIOR PROVISIONS

A prior section 440 of act Aug. 14, 1935, was classified to section 640 of this title prior to repeal by Pub. L. 100-485.

#### AMENDMENTS

2018—Pub. L. 115-123 amended section generally. Prior to amendment, section required Secretary of Health and Human Services to designate standard data elements for any category of information required to be reported under this part and designate data reporting standards to govern the reporting required under this part.

#### EFFECTIVE DATE

Pub. L. 112-34, title I, § 105(b), Sept. 30, 2011, 125 Stat. 377, provided that: “The amendment made by subsection (a) [enacting this section] shall take effect on October 1, 2012, and shall apply with respect to information required to be reported on or after such date.”

#### REGULATION

Pub. L. 115-123, div. E, title VII, § 50771(b), Feb. 9, 2018, 132 Stat. 268, provided that: “Not later than the date that is 24 months after the date of the enactment of this section [Feb. 9, 2018], the Secretary of Health and Human Services shall issue a proposed rule that—

<sup>1</sup> So in original.