

supervision of the administration) of programs carried out with allotments made to the State under this subchapter, except that, in the case of a State which on July 1, 1967, provided for administration (or supervision thereof) of the State plan under this subchapter (as in effect on such date) by a State agency other than the State health agency, that State shall be considered to comply² the requirement of this subsection if it would otherwise comply but for the fact that such other State agency administers (or supervises the administration of) any such program providing services for children with special health care needs.

(Aug. 14, 1935, ch. 531, title V, § 509, as added Pub. L. 97-35, title XXI, § 2192(a), Aug. 13, 1981, 95 Stat. 825; amended Pub. L. 99-272, title IX, § 9527(e), Apr. 7, 1986, 100 Stat. 219; Pub. L. 101-239, title VI, §§ 6503(c)(4), 6505, Dec. 19, 1989, 103 Stat. 2278, 2281.)

PRIOR PROVISIONS

A prior section 709, act Aug. 14, 1935, ch. 531, title V, § 509, as added Jan. 2, 1968, Pub. L. 90-248, title III, § 301, 81 Stat. 926; amended July 10, 1972, Pub. L. 92-345, § 2(e), 86 Stat. 457; Oct. 30, 1972, Pub. L. 92-603, title II, §§ 221(c)(3), 233(e), 86 Stat. 1389, 1412; July 1, 1973, Pub. L. 93-53, § 4(a)(7), 87 Stat. 135, related to special project grants for health of school and preschool children, prior to the general revision of this subchapter by section 2192(a) of Pub. L. 97-35. For effective date, savings, and transitional provisions, see section 2194 of Pub. L. 97-35, set out as a note under section 701 of this title.

Provisions similar to those comprising former section 709, were contained in section 532 of act Aug. 14, 1935, ch. 531, title V, as added July 30, 1965, Pub. L. 89-97, title II, § 205(3), 79 Stat. 354 (formerly classified to section 729-1 of this title), prior to the general amendment and renumbering of title V of act Aug. 14, 1935, by Pub. L. 90-248, § 301.

AMENDMENTS

1989—Subsec. (a)(4). Pub. L. 101-239, § 6505(1), inserted before semicolon at end “and in developing consistent and accurate data collection mechanisms in order to report the information required under section 706(a)(2) of this title”.

Subsec. (a)(6). Pub. L. 101-239, § 6503(c)(4), substituted “705(a)” for “705”.

Subsec. (a)(7), (8). Pub. L. 101-239, § 6505(2)-(4), added pars. (7) and (8).

1986—Subsec. (b). Pub. L. 99-272 substituted “children with special health care needs” for “crippled children”.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by section 6503(c)(4) of Pub. L. 101-239 applicable to payments for allotments for fiscal years beginning with fiscal year 1991, and amendment by section 6505 of Pub. L. 101-239 applicable to appropriations for fiscal years beginning with fiscal year 1990, see section 6510(a), (b)(1) of Pub. L. 101-239, set out as a note under section 701 of this title.

REPORT TO CONGRESS; EVALUATION OF PROGRAM

Pub. L. 89-97, title II, § 206, July 30, 1965, 79 Stat. 354, authorized Secretary to submit to President for transmission to Congress before July 1, 1969, a full report of administration of provisions of section 729-1 of this title, which was covered by former sections 701, 702(1)(B), and 709 of this title, together with an evaluation of program established thereby and his recommendations as to continuation of and modifications in that program.

²So in original. Probably should be “comply with”.

§ 710. Sexual risk avoidance education

(a) In general

(1) Allotments to States

For the purpose described in subsection (b), the Secretary shall, for each of fiscal years 2018 through 2023, allot to each State which has transmitted an application for the fiscal year under section 705(a) of this title an amount equal to the product of—

(A) the amount appropriated pursuant to subsection (f)(1) for the fiscal year, minus the amount reserved under subsection (f)(2) for the fiscal year; and

(B) the proportion that the number of low-income children in the State bears to the total of such numbers of children for all the States.

(2) Other allotments

(A) Other entities

For the purpose described in subsection (b), the Secretary shall, for each of fiscal years 2018 through 2023, for any State which has not transmitted an application for the fiscal year under section 705(a) of this title, allot to one or more entities in the State the amount that would have been allotted to the State under paragraph (1) if the State had submitted such an application.

(B) Process

The Secretary shall select the recipients of allotments under subparagraph (A) by means of a competitive grant process under which—

(i) not later than 30 days after the deadline for the State involved to submit an application for the fiscal year under section 705(a) of this title, the Secretary publishes a notice soliciting grant applications; and

(ii) not later than 120 days after such deadline, all such applications must be submitted.

(b) Purpose

(1) In general

Except for research under paragraph (5) and information collection and reporting under paragraph (6), the purpose of an allotment under subsection (a) to a State (or to another entity in the State pursuant to subsection (a)(2)) is to enable the State or other entity to implement education exclusively on sexual risk avoidance (meaning voluntarily refraining from sexual activity).

(2) Required components

Education on sexual risk avoidance pursuant to an allotment under this section shall—

(A) ensure that the unambiguous and primary emphasis and context for each topic described in paragraph (3) is a message to youth that normalizes the optimal health behavior of avoiding nonmarital sexual activity;

(B) be medically accurate and complete;

(C) be age-appropriate;

(D) be based on adolescent learning and developmental theories for the age group receiving the education; and

(E) be culturally appropriate, recognizing the experiences of youth from diverse communities, backgrounds, and experiences.

(3) Topics

Education on sexual risk avoidance pursuant to an allotment under this section shall address each of the following topics:

(A) The holistic individual and societal benefits associated with personal responsibility, self-regulation, goal setting, healthy decisionmaking, and a focus on the future.

(B) The advantage of refraining from non-marital sexual activity in order to improve the future prospects and physical and emotional health of youth.

(C) The increased likelihood of avoiding poverty when youth attain self-sufficiency and emotional maturity before engaging in sexual activity.

(D) The foundational components of healthy relationships and their impact on the formation of healthy marriages and safe and stable families.

(E) How other youth risk behaviors, such as drug and alcohol usage, increase the risk for teen sex.

(F) How to resist and avoid, and receive help regarding, sexual coercion and dating violence, recognizing that even with consent teen sex remains a youth risk behavior.

(4) Contraception

Education on sexual risk avoidance pursuant to an allotment under this section shall ensure that—

(A) any information provided on contraception is medically accurate and complete and ensures that students understand that contraception offers physical risk reduction, but not risk elimination; and

(B) the education does not include demonstrations, simulations, or distribution of contraceptive devices.

(5) Research

(A) In general

A State or other entity receiving an allotment pursuant to subsection (a) may use up to 20 percent of such allotment to build the evidence base for sexual risk avoidance education by conducting or supporting research.

(B) Requirements

Any research conducted or supported pursuant to subparagraph (A) shall be—

- (i) rigorous;
- (ii) evidence-based; and
- (iii) designed and conducted by independent researchers who have experience in conducting and publishing research in peer-reviewed outlets.

(6) Information collection and reporting

A State or other entity receiving an allotment pursuant to subsection (a) shall, as specified by the Secretary—

(A) collect information on the programs and activities funded through the allotment; and

(B) submit reports to the Secretary on the data from such programs and activities.

(c) National evaluation

(1) In general

The Secretary shall—

(A) in consultation with appropriate State and local agencies, conduct one or more rigorous evaluations of the education funded through this section and associated data; and

(B) submit a report to the Congress on the results of such evaluations, together with a summary of the information collected pursuant to subsection (b)(6).

(2) Consultation

In conducting the evaluations required by paragraph (1), including the establishment of rigorous evaluation methodologies, the Secretary shall consult with relevant stakeholders and evaluation experts.

(d) Applicability of certain provisions

(1) Sections 703, 707, and 708 of this title apply to allotments under subsection (a) to the same extent and in the same manner as such sections apply to allotments under section 702(c) of this title, except that section 703(a) of this title shall be applied by substituting “the total of the sums” for “four-sevenths of the total of the sums”.

(2) Sections 705 and 706 of this title apply to allotments under subsection (a) to the extent determined by the Secretary to be appropriate.

(e) Definitions

In this section:

(1) The term “age-appropriate” means suitable (in terms of topics, messages, and teaching methods) to the developmental and social maturity of the particular age or age group of children or adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(2) The term “medically accurate and complete” means verified or supported by the weight of research conducted in compliance with accepted scientific methods and—

(A) published in peer-reviewed journals, where applicable; or

(B) comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

(3) The term “rigorous”, with respect to research or evaluation, means using—

(A) established scientific methods for measuring the impact of an intervention or program model in changing behavior (specifically sexual activity or other sexual risk behaviors), or reducing pregnancy, among youth; or

(B) other evidence-based methodologies established by the Secretary for purposes of this section.

(4) The term “youth” refers to one or more individuals who have attained age 10 but not age 20.

(f) Funding

(1) In general

To carry out this section, there is appropriated, out of any money in the Treasury not

otherwise appropriated, \$75,000,000 for each of fiscal years 2018 through 2023.

(2) Reservation

The Secretary shall reserve, for each of fiscal years 2018 through 2023, not more than 20 percent of the amount appropriated pursuant to paragraph (1) for administering the program under this section, including the conducting of national evaluations and the provision of technical assistance to the recipients of allotments.

(Aug. 14, 1935, ch. 531, title V, § 510, as added Pub. L. 104-193, title IX, § 912, Aug. 22, 1996, 110 Stat. 2353; amended Pub. L. 108-40, § 6, June 30, 2003, 117 Stat. 837; Pub. L. 111-148, title II, § 2954, Mar. 23, 2010, 124 Stat. 352; Pub. L. 113-93, title II, § 205, Apr. 1, 2014, 128 Stat. 1046; Pub. L. 114-10, title II, § 214(a), Apr. 16, 2015, 129 Stat. 152; Pub. L. 115-123, div. E, title V, § 50502(a), Feb. 9, 2018, 132 Stat. 224; Pub. L. 115-141, div. S, title VII, § 701, Mar. 23, 2018, 132 Stat. 1138; Pub. L. 116-59, div. B, title II, § 1201, Sept. 27, 2019, 133 Stat. 1103; Pub. L. 116-69, div. B, title II, § 1201, Nov. 21, 2019, 133 Stat. 1137; Pub. L. 116-94, div. N, title I, § 303, Dec. 20, 2019, 133 Stat. 3112; Pub. L. 116-136, div. A, title III, § 3821, Mar. 27, 2020, 134 Stat. 432; Pub. L. 116-159, div. C, title I, § 2104, Oct. 1, 2020, 134 Stat. 729; Pub. L. 116-215, div. B, title II, § 1203(a), Dec. 11, 2020, 134 Stat. 1045; Pub. L. 116-260, div. CC, title III, § 303, Dec. 27, 2020, 134 Stat. 2993.)

PRIOR PROVISIONS

A prior section 710, act Aug. 14, 1935, ch. 531, title V, § 510, as added Jan. 2, 1968, Pub. L. 90-248, title III, § 301, 81 Stat. 927; amended July 10, 1972, Pub. L. 92-345, § 2(f), 86 Stat. 457; July 1, 1973, Pub. L. 93-53, § 4(a)(8), 87 Stat. 136, provided for special project grants for dental health of children, prior to the general revision of this subchapter by Pub. L. 97-35, title XXI, § 2192(a), Aug. 13, 1981, 95 Stat. 818. For effective date, savings, and transitional provisions, see section 2194 of Pub. L. 97-35, set out as a note under section 701 of this title.

AMENDMENTS

2020—Pub. L. 116-215 substituted “December 18, 2020” for “December 11, 2020” wherever appearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subsec. (f)(1). Pub. L. 116-94, § 303(2), substituted “\$48,287,671 for the period beginning October 1, 2019, and ending May 22, 2020” for “\$16,643,836 for the period beginning October 1, 2019, and ending December 20, 2019”.

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

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

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

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE OF 2018 AMENDMENT

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

EFFECTIVE DATE OF 2003 AMENDMENT

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

ESTABLISHING NATIONAL GOALS TO PREVENT TEENAGE PREGNANCIES

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

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

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

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

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

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

(a) Purposes

The purposes of this section are—

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

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

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

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

(1) In general

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

(A) communities with concentrations of—

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

(ii) poverty;

(iii) crime;

(iv) domestic violence;

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

(vi) substance abuse;

(vii) unemployment; or

(viii) child maltreatment;

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

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

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

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

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

(2) Coordination with other assessments

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

(3) Submission to the Secretary

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

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

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

(c) Grants for early childhood home visitation programs

(1) Authority to make grants

In addition to any other payments made under this subchapter to a State, the Secretary shall make grants to eligible entities to enable the entities to deliver services under early childhood home visitation programs that satisfy the requirements of subsection (d) to eligible families in order to promote improvements in maternal and prenatal health, infant health, child health and development, par-