

111 P.L. 320, *; 124 Stat. 3459;
2010 Enacted S. 3817; 111 Enacted S. 3817

LEXSEE 111 PL 320

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PUBLIC LAW 111-320 [S. 3817]
DEC. 20, 2010
CAPTA REAUTHORIZATION ACT OF 2010

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An Act

To amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[*1] SECTION 1. SHORT TITLE.

This Act may be cited as the "CAPTA Reauthorization Act of 2010".

TITLE I--CHILD ABUSE PREVENTION AND TREATMENT ACT

[*101] SEC. 101.--FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended--

(1) by striking paragraph (1) and inserting the following:

"(1) in fiscal year 2008, approximately 772,000 children were found by States to be victims of child abuse and neglect";

(2) in paragraph (2)--

(A) in subparagraph (A), by inserting "and close to 1/3 of all child maltreatment-related fatalities in fiscal year 2008 were attributed to neglect alone" after "maltreatment"; and

(B) in subparagraph (B)--

(i) by striking "60 percent" and inserting "71 percent";

(ii) by striking "2001" and inserting "fiscal year 2008";

(iii) by striking "19 percent" and inserting "16 percent";

(iv) by striking "10 percent" and inserting "9 percent"; and

(v) by striking "and 7 percent suffered emotional maltreatment" and inserting ", 7 percent suffered psychological maltreatment, 2 percent experienced medical neglect, and 9 percent were victims of other forms of maltreatment";

(3) in paragraph (3)--

(A) in subparagraph (A) by inserting "or neglect" after "abuse";

(B) in subparagraph (B), by striking "2001, an estimated 1,300" and inserting "fiscal year 2008, an estimated 1,740"; and

(C) in subparagraph (C)--

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- (i) by inserting "in fiscal year 2008," after "(C)";
 - (ii) by striking "41 percent" and inserting "45 percent";
 - (iii) by striking "85 percent" and inserting "72 percent";
 - (iv) by striking "6 years" and inserting "4 years"; and
 - (v) by striking "abuse" each place it appears and inserting "maltreatment";
- (4) in paragraph (4)(B), by striking "slightly" and all that follows and inserting "approximately 37 percent of victims of child abuse did not receive post-investigation services in fiscal year 2008;"
- (5) by redesignating paragraphs (5) through (13) as paragraphs (6) through (11) and (13) through (15), respectively;
- (6) by inserting after paragraph (4) of this section the following:
- "(5) African-American children, American Indian children, Alaska Native children, and children of multiple races and ethnicities experience the highest rates of child abuse or neglect;"
- (7) in paragraph (6), as redesignated by paragraph (5) of this section--
- (A) in subparagraph (A), by inserting "domestic violence services," after "mental health,"; and
 - (B) by amending subparagraph (E) to read as follows:
- "(E) recognizes the diversity of ethnic, cultural, and religious beliefs and traditions that may impact child rearing patterns, while not allowing the differences in those beliefs and traditions to enable abuse or neglect;"
- (8) by inserting after paragraph (11), as redesignated by paragraph (5) of this section, the following:
- "(12) because both child maltreatment and domestic violence occur in up to 60 percent of the families in which either is present, States and communities should adopt assessments and intervention procedures aimed at enhancing the safety both of children and victims of domestic violence;"
- (9) in paragraphs (14) and (15), as redesignated by paragraph (5) of this section, by striking "Federal government" and inserting "Federal Government"; and
- (10) in paragraph (14), as redesignated by paragraph (5) of this section, by inserting "and" at the end.

Subtitle A--General Program

[*111] SEC. 111.--ADVISORY BOARD.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended--

- (1) in subsection (c)--
 - (A) in paragraph (4), by striking "medicine (including pediatrics)" and inserting "health care providers (including pediatricians)";
 - (B) in paragraph (12), by striking "and";
 - (C) in paragraph (13), by striking the period and inserting "; and"; and
 - (D) by adding at the end the following:

"(14) Indian tribes or tribal organizations."; and
- (2) in subsection (f)--
 - (A) in paragraph (1), by inserting "tribal," after "State," each place such term appears; and
 - (B) in paragraph (2)--
 - (i) by striking "abuse or neglect which" and inserting "child abuse or neglect which"; and
 - (ii) by striking "Federal and State" and inserting "Federal, State, and tribal".

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[*112] SEC. 112. NATIONAL CLEARINGHOUSE.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended--

(1) in subsection (a), by inserting "and neglect" before the period;

(2) in subsection (b)--

(A) by redesignating paragraphs (2) through (5) as paragraphs (4) through (7), respectively;

(B) by striking paragraph (1) and inserting the following:

"(1) maintain, coordinate, and disseminate information on effective programs, including private and community-based programs, that have demonstrated success with respect to the prevention, assessment, identification, and treatment of child abuse or neglect and hold the potential for broad-scale implementation and replication;

"(2) maintain, coordinate, and disseminate information on the medical diagnosis and treatment of child abuse and neglect;

"(3) maintain and disseminate information on best practices relating to differential response;"

(C) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by inserting "and disseminate" after "maintain";

(D) in paragraph (5), as redesignated by subparagraph (A) of this paragraph--

(i) in subparagraph (B), by inserting "(42 U.S.C. 5105 note)" before the semicolon; and

(ii) in subparagraph (C), by striking "alcohol or drug" and inserting "substance";

(E) in subparagraph (C) of paragraph (6), as redesignated by subparagraph (A) of this paragraph, by striking "and" at the end;

(F) in subparagraph (B) of paragraph (7), as redesignated by subparagraph (A) of this paragraph, by striking "and child welfare personnel." and inserting "child welfare, substance abuse treatment services, and domestic violence services personnel; and"; and

(G) by adding at the end the following:

"(8) collect and disseminate information, in conjunction with the National Resource Centers authorized in section 310(b) of the Family Violence Prevention and Services Act, on effective programs and best practices for developing and carrying out collaboration between entities providing child protective services and entities providing domestic violence services."; and

(3) in subsection (c)(1)--

(A) by striking subparagraph (B) and inserting the following:

"(B) consult with the head of each agency involved with child abuse and neglect on the development of the components for information collection and management of such clearinghouse and on the mechanisms for the sharing of such information with other Federal agencies and clearinghouses;"

(B) in subparagraph (C)--

(i) in the matter preceding clause (i), by inserting "tribal," after "State,";

(ii) in clause (i), by striking "and" at the end; and

(iii) by adding at the end the following:

"(iii) information about the incidence and characteristics of child abuse and neglect in circumstances in which domestic violence is present; and

"(iv) information about the incidence and characteristics of child abuse and neglect in cases related to substance abuse;" and

(C) in subparagraph (F), by striking "abused or neglected children" and inserting "victims of child abuse or neglect".

[*113] SEC. 113. RESEARCH AND ASSISTANCE ACTIVITIES.

(a) Research.--Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended--

(1) in paragraph (1)--

(A) in the matter preceding subparagraph (A), by striking "from abuse or neglect and to improve the well-being of abused or neglected children" and inserting "from child abuse or neglect and to improve the well-being of victims of child abuse or neglect";

(B) in subparagraph (B), by striking "abuse and neglect on" and inserting "child abuse and neglect on";

(C) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I), as subparagraphs (D), (E), (F), (H), (J), (N), and (O), respectively;

(D) by inserting after subparagraph (B) the following:

"(C) effective approaches to improving the relationship and attachment of infants and toddlers who experience child abuse or neglect with their parents or primary caregivers in circumstances where reunification is appropriate;"

(E) in subparagraph (D), as redesignated by subparagraph (C) of this paragraph, by inserting "and neglect" before the semicolon;

(F) in subparagraph (E), as redesignated by subparagraph (C) of this paragraph--

(i) by inserting ", including best practices to meet the needs of special populations," after "best practices";

and

(ii) by striking "(12)" and inserting "(14)";

(G) by inserting after subparagraph (F), as redesignated by subparagraph (C) of this paragraph, the following:

"(G) effective practices and programs to improve activities such as identification, screening, medical diagnosis, forensic diagnosis, health evaluations, and services, including activities that promote collaboration between--

"(i) the child protective service system; and

"(ii)(I) the medical community, including providers of mental health and developmental disability services;

and

"(II) providers of early childhood intervention services and special education for children who have been victims of child abuse or neglect;"

(H) by inserting after subparagraph (H), as redesignated by subparagraph (C) of this paragraph, the following:

"(I) effective collaborations, between the child protective system and domestic violence service providers, that provide for the safety of children exposed to domestic violence and their nonabusing parents and that improve the investigations, interventions, delivery of services, and treatments provided for such children and families;"

(I) in subparagraph (J), as redesignated by subparagraph (C) of this paragraph, by striking "low income" and inserting "low-income";

(J) by inserting after subparagraph (J), as redesignated by subparagraph (C) of this paragraph, the following:

"(K) the impact of child abuse and neglect on the incidence and progression of disabilities;

"(L) the nature and scope of effective practices relating to differential response, including an analysis of best practices conducted by the States;

"(M) child abuse and neglect issues facing Indians, Alaska Natives, and Native Hawaiians, including providing recommendations for improving the collection of child abuse and neglect data from Indian tribes and Native Hawaiian communities;"

(K) in subparagraph (N), as redesignated by subparagraph (C) of this paragraph, by striking "clauses (i) through (xi) of subparagraph (H)" and inserting "clauses (i) through (x) of subparagraph (O)"; and

(L) in subparagraph (O), as redesignated by subparagraph (C) of this paragraph--

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- (i) in clauses (i) and (ii), by inserting "and neglect" after "abuse";
- (ii) in clause (v), by striking "child abuse have" and inserting "child abuse and neglect have";
- (iii) by striking "and" at the end of clause (ix);
- (iv) by redesignating clause (x) as clause (xi);
- (v) by inserting after clause (ix), the following:

"(x) the extent to which reports of suspected or known instances of child abuse or neglect involving a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal, are being screened out solely on the basis of the cross-jurisdictional complications; and";

(vi) in clause (xi), as redesignated by clause (iv), by striking "abuse" and inserting "child abuse and neglect";

and

(2) in paragraph (2), by striking "subparagraphs" and all that follows and inserting "clauses (i) through (xi) of paragraph (1)(O).";

(3) in paragraph (3), by striking "Keeping Children and Families Safe Act of 2003" and inserting "CAPTA Reauthorization Act of 2010";

(4) in paragraph (4)--

(A) by striking "(A) The" and inserting the following:

"(A) In general.--The"; and

(B) in subparagraph (B)--

(i) by striking all that precedes "later" and inserting the following:

"(B) Public comment.--Not";

(ii) by striking "than 2" and inserting "than 1"; and

(iii) by striking "Keeping Children and Families Safe Act of 2003" and inserting "CAPTA Reauthorization Act of 2010"; and

(5) by adding at the end the following:

"(4) Study on shaken baby syndrome.-- The Secretary shall conduct a study that--

"(A) identifies data collected on shaken baby syndrome;

"(B) determines the feasibility of collecting uniform, accurate data from all States regarding--

"(i) incidence rates of shaken baby syndrome;

"(ii) characteristics of perpetrators of shaken baby syndrome, including age, gender, relation to victim, access to prevention materials and resources, and history of substance abuse, domestic violence, and mental illness; and

"(iii) characteristics of victims of shaken baby syndrome, including gender, date of birth, date of injury, date of death (if applicable), and short- and long-term injuries sustained.".

(b) Technical Assistance.--Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended--

(1) in paragraph (1), by inserting "and providers of mental health, substance abuse treatment, and domestic violence prevention services" after "disabilities"; and

(2) in paragraph (3)(B)--

(A) by striking "and child welfare personnel" and inserting "child welfare, substance abuse, and domestic violence services personnel"; and

(B) by striking "subjected to abuse." and inserting "subjected to, or whom the personnel suspect have been subjected to, child abuse or neglect.".

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(c) Peer Review for Grants and Contracts.--Section 104(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(d)) is amended--

(1) in paragraph (1)--

(A) by striking subparagraph (A) and inserting the following:

"(A) In general.--To enhance the quality and usefulness of research in the field of child abuse and neglect, the Secretary shall, in consultation with experts in the field and other Federal agencies, establish a formal, rigorous, and meritorious peer review process for purposes of evaluating and reviewing applications for assistance through a grant or contract under this section and determining the relative merits of the project for which such assistance is requested."; and

(B) by striking subparagraph (B) and inserting the following:

"(B) Members.--In establishing the process required by subparagraph (A), the Secretary shall only appoint to the peer review panels members who--

"(i) are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise related to the applications to be reviewed; and

"(ii) are not individuals who are officers or employees of the Administration for Children and Families.

"(C) Meetings.--The peer review panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but shall meet not less often than once a year.

"(D) Criteria and guidelines.--The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines in the review of the applications for grants and contracts."; and

(2) in paragraph (3)--

(A) by striking "(A) The" and inserting the following:

"(A) Meritorious projects.--The"; and

(B) in subparagraph (B), by striking all that precedes "the instance" and inserting the following:

"(B) Explanation.--In".

(d) Demonstration Programs and Projects.--Section 104(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(e)) is amended--

(1) in the matter preceding paragraph (1)--

(A) by striking "States or" and inserting "entities that are States, Indian tribes or tribal organizations, or"; and

(B) by striking "such agencies or organizations" and inserting "such entities";

(2) in paragraph (1)(B), by striking "safely facilitate the" and inserting "facilitate the safe"; and

(3) in paragraph (2)--

(A) by inserting "child care and early childhood education and care providers," after "in cooperation with"; and

(B) by striking "preschool" and inserting "preschools,".

[*114] SEC. 114. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended--

(1) in the heading, by striking "states" and inserting "states, Indian tribes or tribal organizations,";

(2) in subsection (a)--

(A) in the matter preceding paragraph (1)--

(i) by striking "States," and inserting "entities that are States, Indian tribes or tribal organizations, or"; and

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- (ii) by striking "such agencies or organizations" and inserting "such entities";
- (B) in paragraph (1)--
 - (i) in the matter preceding subparagraph (A), by striking "this section" and inserting "this subsection";
 - (ii) in subparagraph (A)--
 - (I) by inserting "health care," before "medicine,";
 - (II) by inserting "child care," after "education,"; and
 - (III) by inserting "and neglect" before the semicolon;
 - (iii) in subparagraph (B), by inserting a comma after "youth";
 - (iv) in subparagraph (D)--
 - (I) by striking "support the enhancement of linkages between" and inserting "enhance linkages among";
 - (II) by striking "including physical" and all that follows through "partnerships" and inserting "entities providing physical and mental health services, community resources, and developmental disability agencies, to improve screening, forensic diagnosis, and health and developmental evaluations, and for partnerships"; and
 - (III) by striking "offer creative approaches to using" and inserting "support the coordinated use of";
 - (v) by redesignating subparagraphs (E) through (J) as subparagraphs (F), (G), and (I) through (L), respectively;
 - (vi) by inserting after subparagraph (D) the following:
 - "(E) for the training of personnel in best practices to meet the unique needs of children with disabilities, including promoting interagency collaboration;"
 - (vii) by inserting after subparagraph (G), as redesignated by clause (v) of this subparagraph, the following:
 - "(H) for the training of personnel in childhood development including the unique needs of children under age 3;"
 - (viii) in subparagraph (J), as redesignated by clause (v) of this subparagraph, by striking "and other public and private welfare agencies" and inserting "other public and private welfare agencies, and agencies that provide early intervention services";
 - (ix) in subparagraph (K), as redesignated by clause (v) of this subparagraph, by striking "and" at the end;
 - (x) in subparagraph (L), as redesignated by clause (v) of this subparagraph--
 - (I) by striking "disabled infants" each place it appears and inserting "infants or toddlers with disabilities";
 - (II) by striking the period and inserting "; and"; and
 - (xi) by adding at the end the following:
 - "(M) for the training of personnel in best practices relating to the provision of differential response.";
 - (C) in paragraph (2)(C), by striking "where" and inserting "when";
 - (D) in paragraph (3), by inserting ", leadership," after "mutual support";
 - (E) in paragraph (4), by striking all that precedes "Secretary" and inserting the following:
 - "(4) Kinship care.-- The";
 - (F) in paragraph (4), by striking "in not more than 10 States";
 - (G) in paragraph (5)--
 - (i) in the paragraph heading--

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- (I) by striking "between" and inserting "among"; and
- (II) by striking "and developmental disabilities" and inserting "substance abuse, developmental disabilities, and domestic violence service";
 - (ii) by striking "between" and inserting "among";
 - (iii) by striking "mental health" and all that follows through ", for" and inserting "mental health, substance abuse, developmental disabilities, and domestic violence service agencies, and entities that carry out community-based programs, for"; and
 - (iv) by striking "help assure" and inserting "ensure"; and
- (H) by inserting after paragraph (5) the following:

"(6) Collaborations between child protective service entities and domestic violence service entities.-- The Secretary may award grants to public or private agencies and organizations under this section to develop or expand effective collaborations between child protective service entities and domestic violence service entities to improve collaborative investigation and intervention procedures, provision for the safety of the nonabusing parent involved and children, and provision of services to children exposed to domestic violence that also support the caregiving role of the non-abusing parent."; and

- (3) in subsection (b)(4)--
 - (A) in subparagraph (A)(ii), by striking "neglected or abused" and inserting "victims of child abuse or neglect";
 - (B) in subparagraphs (B)(ii) and (C)(iii), by striking "abuse or neglect" and inserting "child abuse and neglect";
 - (C) in subparagraph (C)(iii), by striking "been neglected or abused" and inserting "been a victim of child abuse or neglect"; and
 - (D) in subparagraph (D), by striking "a" after "grantee is" and inserting "an".

[*115] SEC. 115. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) Section Heading.--Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by striking the section heading and inserting the following:

"Sec. 106. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS."

(b) Development and Operation Grants.--Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended--

- (1) in the matter preceding paragraph (1), by striking "based on" and all that follows through "18 in" and inserting "from allotments made under subsection (f) for";
- (2) in paragraph (1), by striking "abuse and neglect" and inserting "child abuse or neglect";
- (3) in paragraph (2)--
 - (A) in subparagraph (A), by inserting ", intra-agency, interstate, and intrastate" after "interagency"; and
 - (B) in subparagraph (B)(i), by striking "abuse and neglect" and inserting "child abuse or neglect";
- (4) in paragraph (4), by inserting ", including the use of differential response" after "protocols";
- (5) in paragraph (6)--
 - (A) in subparagraph (A) by inserting ", including the use of differential response," after "strategies";
 - (B) in subparagraph (B), by striking "and" at the end;
 - (C) in subparagraph (C), by striking "workers" and all that follows and inserting "workers; and"; and

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(D) by adding at the end the following:

"(D) training in early childhood, child, and adolescent development;"

(6) by striking paragraphs (8) and (9) and inserting the following:

"(8) developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect;"

(7) by redesignating paragraphs (10) through (14) as paragraphs (9) through (13), respectively;

(8) in paragraph (9), as redesignated by paragraph (7) of this subsection--

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by adding "and" at the end; and

(C) by adding at the end the following:

"(D) the use of differential response in preventing child abuse and neglect;"

(9) in paragraph (10), as redesignated by paragraph (7) of this subsection, by inserting ", including the use of differential response" before the semicolon;

(10) in paragraph (12), as redesignated by paragraph (7) of this subsection, by striking "or" at the end;

(11) in paragraph (13), as redesignated by paragraph (7) of this subsection--

(A) by striking "supporting and enhancing" and all that follows through "community-based programs" and inserting "supporting and enhancing interagency collaboration among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs--";

(B) by striking "to provide" and inserting the following:

"(A) to provide";

(C) by striking "systems) and" and inserting "systems), and the use of differential response; and";

(D) by striking "to address" and inserting the following:

"(B) to address";

(E) by striking "abused or neglected" and inserting "victims of child abuse or neglect;" and

(F) by striking the period at the end and inserting "; or"; and

(12) by adding at the end the following:

"(14) developing and implementing procedures for collaboration among child protective services, domestic violence services, and other agencies in--

"(A) investigations, interventions, and the delivery of services and treatment provided to children and families, including the use of differential response, where appropriate; and

"(B) the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their nonabusing parents."

(c) Eligibility Requirements.--Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended--

(1) by striking paragraph (1) and inserting the following:

"(1) State plan.----

"(A) In general.--To be eligible to receive a grant under this section, a State shall submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State will address with amounts received under the grant.

"(B) Duration of plan.--Each State plan shall--

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"(i) remain in effect for the duration of the State's participation under this section; and

"(ii) be periodically reviewed and revised as necessary by the State to reflect changes in the State's strategies and programs under this section.

"(C) Additional information.--The State shall provide notice to the Secretary--

"(i) of any substantive changes, including any change to State law or regulations, relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section; and

"(ii) of any significant changes in how funds provided under this section are used to support activities described in this section, which may differ from the activities described in the current State application.";

(2) in paragraph (2)--

(A) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;

(B) by striking the matter preceding subparagraph (B), as redesignated by subparagraph (A) of this paragraph, and inserting the following:

"(2) Contents.-- A State plan submitted under paragraph (1) shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this title, including--

"(A) an assurance that the State plan, to the maximum extent practicable, is coordinated with the State plan under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) relating to child welfare services and family preservation and family support services;"

(C) in subparagraph (B), as redesignated by subparagraph (A) of this paragraph--

(i) in the matter preceding clause (i)--

(I) by striking "chief executive officer" and inserting "Governor"; and

(II) by striking "Statewide" and inserting "statewide";

(ii) by amending clause (i) to read as follows:

"(i) provisions or procedures for an individual to report known and suspected instances of child abuse and neglect, including a State law for mandatory reporting by individuals required to report such instances;"

(iii) in clause (ii)--

(I) in the matter preceding subclause (I)--

(aa) by inserting "with" after "born"; and

(bb) by inserting "or a Fetal Alcohol Spectrum Disorder," after "drug exposure,"; and

(II) in subclause (I), by inserting "or neglect" before the semicolon;

(iv) in clause (iii), by inserting ", or a Fetal Alcohol Spectrum Disorder" before the semicolon;

(v) in clause (v), by inserting ", including the use of differential response," after "procedures";

(vi) in clause (vi)--

(I) by striking "the abused or neglected child" and inserting "a victim of child abuse or neglect"; and

(II) by striking "abuse or neglect" and inserting "child abuse or neglect";

(vii) in clause (ix), by striking "abuse and neglect" and inserting "child abuse and neglect";

(viii) in clause (xi), by striking "or neglect" and inserting "and neglect";

(ix) in clause (xiii)--

(I) by striking "an abused or neglected child" and inserting "a victim of child abuse or neglect"; and

(II) by inserting "including training in early childhood, child, and adolescent development," after "to the

role,";

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- (x) in clause (xv)(II), by striking "abuse or neglect" and inserting "child abuse or neglect";
- (xi) in clause (xviii), by striking "abuse and" and inserting "abuse or";
- (xii) in clause (xvi)--
 - (I) in subclause (III), by striking "; or" and inserting ";"; and
 - (II) by adding at the end the following:
 - "(V) to have committed sexual abuse against the surviving child or another child of such parent; or
 - "(VI) to be required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16913(a));";
- (xiii) in clause (xxi), by striking "Act; and" and inserting "Act (20 U.S.C. 1431 et seq.);";
- (xiv) in clause (xxii)--
 - (I) by striking "not later" through "2003,";
 - (II) by inserting "that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20))" after "checks"; and
 - (III) by adding "and" at the end; and
- (xv) by adding at the end the following:
 - "(xxiii) provisions for systems of technology that support the State child protective service system described in subsection (a) and track reports of child abuse and neglect from intake through final disposition;";
- (D) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph--
 - (i) by striking "disabled infants with" each place it appears and inserting "infants with disabilities who have"; and
 - (ii) in clause (iii), by striking "life threatening" and inserting "life-threatening";
- (E) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph--
 - (i) in clause (ii), by striking "and" at the end;
 - (ii) in clause (iii), by striking "and" at the end;
 - (iii) by adding at the end the following:
 - "(iv) policies and procedures encouraging the appropriate involvement of families in decisionmaking pertaining to children who experienced child abuse or neglect;
 - "(v) policies and procedures that promote and enhance appropriate collaboration among child protective service agencies, domestic violence service agencies, substance abuse treatment agencies, and other agencies in investigations, interventions, and the delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence, where appropriate; and
 - "(vi) policies and procedures regarding the use of differential response, as applicable;";
- (F) in subparagraph (E), as redesignated by subparagraph (A) of this paragraph--
 - (i) by inserting "(42 U.S.C. 621 et seq.)" after "Act"; and
 - (ii) by striking the period at the end and inserting a semicolon;
- (G) by inserting after subparagraph (E), as redesignated by subparagraph (A) of this paragraph, the following:
 - "(F) an assurance or certification that programs and training conducted under this title address the unique needs of unaccompanied homeless youth, including access to enrollment and support services and that such youth are eligible for under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) and meet the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); and

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"(G) an assurance that the State, in developing the State plan described in paragraph (1), has collaborated with community-based prevention agencies and with families affected by child abuse or neglect."; and

(H) in the last sentence, by striking "subparagraph (A)" and inserting "subparagraph (B)"; and

(3) in paragraph (3), by striking "paragraph (2)(A)" and inserting "paragraph (2)(B)".

(d) Citizen Review Panels.--Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended--

(1) in paragraph (2), by inserting before the period the following: ", and may include adult former victims of child abuse or neglect"; and

(2) in paragraph (4)(A)(iii)(I), by inserting "(42 U.S.C. 670 et seq.)" before the semicolon.

(e) Annual State Data Reports.--Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended--

(1) in paragraph (1), by striking "as abused or neglected" and inserting "as victims of child abuse or neglect";

(2) in paragraph (4), by inserting ", including use of differential response," after "services";

(3) by striking paragraph (7) and inserting the following:

"(7)(A) The number of child protective service personnel responsible for the--

"(i) intake of reports filed in the previous year;

"(ii) screening of such reports;

"(iii) assessment of such reports; and

"(iv) investigation of such reports.

"(B) The average caseload for the workers described in subparagraph (A).";

(4) in paragraph (9), by striking "abuse or neglect" and inserting "child abuse or neglect";

(5) by striking paragraph (10) and inserting the following:

"(10) For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the State--

"(A) information on the education, qualifications, and training requirements established by the State for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;

"(B) data on the education, qualifications, and training of such personnel;

"(C) demographic information of the child protective service personnel; and

"(D) information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child protective service worker and supervisor.";

(6) in paragraph (11), by striking "and neglect" and inserting "or neglect"; and

(7) by adding at the end the following:

"(15) The number of children referred to a child protective services system under subsection (b)(2)(B)(ii).

"(16) The number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).".

(f) Annual Report.--Section 106(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(e)) is amended by inserting "and neglect" before the period.

(g) Formula.--Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by adding at the end the following:

"(f) Allotments.--

"(1) Definitions.-- In this subsection:

"(A) Fiscal year 2009 grant funds.--The term 'fiscal year 2009 grant funds' means the amount appropriated under section 112 for fiscal year 2009, and not reserved under section 112(a)(2).

"(B) Grant funds.--The term 'grant funds' means the amount appropriated under section 112 for a fiscal year and not reserved under section 112(a)(2).

"(C) State.--The term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(D) Territory.--The term 'territory' means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(2) In general.-- Except as otherwise provided in this section, the Secretary shall make allotments to each State and territory that applies for a grant under this section in an amount equal to the sum of--

"(A) \$ 50,000; and

"(B) an amount that bears the same relationship to any grant funds remaining after all such States and territories have received \$ 50,000, as the number of children under the age of 18 in the State or territory bears to the number of such children in all States and territories that apply for such a grant.

"(3) Allotments for decreased appropriation years.-- In the case where the grant funds for a fiscal year are less than the fiscal year 2009 grant funds, the Secretary shall ratably reduce each of the allotments under paragraph (2) for such fiscal year.

"(4) Allotments for increased appropriation years.----

"(A) Minimum allotments to states for increased appropriations years.--In any fiscal year for which the grant funds exceed the fiscal year 2009 grant funds by more than \$ 1,000,000, the Secretary shall adjust the allotments under paragraph (2), as necessary, such that no State that applies for a grant under this section receives an allotment in an amount that is less than--

"(i) \$ 100,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by more than \$ 1,000,000 but less than \$ 2,000,000;

"(ii) \$ 125,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$ 2,000,000 but less than \$ 3,000,000; and

"(iii) \$ 150,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$ 3,000,000.

"(B) Allotment adjustment.--In the case of a fiscal year for which subparagraph (A) applies and the grant funds are insufficient to satisfy the requirements of such subparagraph (A), paragraph (2), and paragraph (5), the Secretary shall, subject to paragraph (5), ratably reduce the allotment of each State for which the allotment under paragraph (2) is an amount that exceeds the applicable minimum under subparagraph (A), as necessary to ensure that each State receives the applicable minimum allotment under subparagraph (A).

"(5) Hold harmless.-- Notwithstanding paragraphs (2) and (4), except as provided in paragraph (3), no State or territory shall receive a grant under this section in an amount that is less than the amount such State or territory received under this section for fiscal year 2009."

[*116] SEC. 116. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c) is amended--

(1) in subsection (a)--

(A) by striking paragraphs (1) and (2) and inserting the following:

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"(1) the assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child's family;

"(2) the assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities;"

(B) in paragraph (3), by striking "particularly" and inserting "including"; and

(C) in paragraph (4)--

(i) by striking "the handling" and inserting "the assessment and investigation"; and

(ii) by striking "victims of abuse" and inserting "suspected victims of child abuse";

(2) in subsection (b)(1), by striking "section 107(b)" and inserting "section 106(b)";

(3) in subsection (c)(1)--

(A) in subparagraph (G), by striking "and" at the end;

(B) in subparagraph (H), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(I) adult former victims of child abuse or neglect; and

"(J) individuals experienced in working with homeless children and youths (as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)).";

(4) in subsection (d)(1)--

(A) by striking "particularly" and inserting "including"; and

(B) by inserting "intrastate," before "interstate";

(5) in subsection (e)(1)--

(A) in subparagraph (A)--

(i) by striking "particularly" and inserting "including"; and

(ii) by inserting "intrastate," before "interstate";

(B) in subparagraph (B)--

(i) by inserting a comma after "model"; and

(ii) by striking "improve the rate" and all that follows through "child sexual abuse cases" and inserting the following: "improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children"; and

(C) in subparagraph (C)--

(i) by inserting a comma after "protocols";

(ii) by inserting ", which may include those children involved in reports of child abuse or neglect with a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal," after "protection for children";

(iii) by striking "from abuse" and inserting "from child abuse and neglect"; and

(iv) by striking "particularly" and inserting "including"; and

(6) in subsection (f), by inserting "(42 U.S.C. 10603a)" after "1984".

[*117] SEC. 117. MISCELLANEOUS REQUIREMENTS.

111 P.L. 320, *; 124 Stat. 3459;
2010 Enacted S. 3817; 111 Enacted S. 3817

Section 108(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d(d)) is amended to read as follows:

"(d) Sense of Congress.--It is the sense of Congress that the Secretary should encourage all States and public and private entities that receive assistance under this title to--

"(1) ensure that children and families with limited English proficiency who participate in programs under this title are provided with materials and services through such programs in an appropriate language other than English; and

"(2) ensure that individuals with disabilities who participate in programs under this title are provided with materials and services through such programs that are appropriate to their disabilities.".

[*118] SEC. 118. REPORTS.

(a) In General.--Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by striking subsections (a) and (b) and inserting the following:

"(a) Coordination Efforts.--Not later than 1 year after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on efforts to coordinate the objectives and activities of agencies and organizations that are responsible for programs and activities related to child abuse and neglect. Not later than 3 years after that date of enactment, the Secretary shall submit to those committees a second report on such efforts during the 3-year period following that date of enactment. Not later than 5 years after that date of enactment, the Secretary shall submit to those committees a third report on such efforts during the 5-year period following that date of enactment.

"(b) Effectiveness of State Programs and Technical Assistance.--Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010 and every 2 years thereafter, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report evaluating the effectiveness of programs receiving assistance under section 106 in achieving the objectives of section 106.".

(b) Study and Report Relating to Citizen Review Panels.--Section 110(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f(c)) is amended to read as follows:

"(c) Study and Report Relating to Citizen Review Panels.--

"(1) In general.-- The Secretary shall conduct a study to determine the effectiveness of citizen review panels, established under section 106(c), in achieving the stated function of such panels under section 106(c)(4)(A) of--

"(A) examining the policies, procedures, and practices of State and local child protection agencies; and

"(B) evaluating the extent to which such State and local child protection agencies are fulfilling their child protection responsibilities, as described in clauses (i) through (iii) of section 106(c)(4)(A).

"(2) Content of study.-- The study described in paragraph (1) shall be completed in a manner suited to the unique design of citizen review panels, including consideration of the variability among the panels within and between States. The study shall include the following:

"(A) Data describing the membership, organizational structure, operation, and administration of all citizen review panels and the total number of such panels in each State.

"(B) A detailed summary of the extent to which collaboration and information-sharing occurs between citizen review panels and State child protective services agencies or any other entities or State agencies. The summary shall include a description of the outcomes that result from collaboration and information sharing.

"(C) Evidence of the adherence and responsiveness to the reporting requirements under section 106(c)(6) by citizen review panels and States.

"(3) Report.-- Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1)."

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(c) Study and Report Relating to Immunity From Prosecution for Professional Consultation in Suspected and Known Instances of Child Abuse and Neglect.--Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

"(d) Study and Report Relating to Immunity From Prosecution for Professional Consultation in Suspected and Known Instances of Child Abuse and Neglect.--

"(1) Study.-- The Secretary shall complete a study, in consultation with experts in the provision of healthcare, law enforcement, education, and local child welfare administration, that examines how provisions for immunity from prosecution under State and local laws and regulations facilitate and inhibit individuals cooperating, consulting, or assisting in making good faith reports, including mandatory reports, of suspected or known instances of child abuse or neglect.

"(2) Report.-- Not later than 1 year after the date of the enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1) and any recommendations for statutory or regulatory changes the Secretary determines appropriate. Such report may be submitted electronically."

[*119] SEC. 119. DEFINITIONS.

Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g) is amended--

(1) in paragraph (5)--

(A) by inserting "except as provided in section 106(f)," after "(5)";

(B) by inserting "and" after "Samoa,"; and

(C) by striking "and the Trust Territory of the Pacific Islands";

(2) in paragraph (6)(C), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(7) the term 'Alaska Native' has the meaning given the term 'Native' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602);

"(8) the term 'infant or toddler with a disability' has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432);

"(9) the terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

"(10) the term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517); and

"(11) the term 'unaccompanied homeless youth' means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)."

[*120] SEC. 120. AUTHORIZATION OF APPROPRIATIONS.

Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended--

(1) by striking "2004" and inserting "2010"; and

(2) by striking "2005 through 2008" and inserting "2011 through 2015".

[*121] SEC. 121. RULE OF CONSTRUCTION.

Section 113(a)(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106i(a)(2)) is amended by striking "abuse or neglect" and inserting "child abuse or neglect".

Subtitle B--Community-Based Grants for the Prevention of Child Abuse or Neglect

[*131] SEC. 131.--TITLE HEADING.

111 P.L. 320, *; 124 Stat. 3459;
2010 Enacted S. 3817; 111 Enacted S. 3817

The title heading of title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended to read as follows:

"TITLE II--COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT".

[*132] SEC. 132.--PURPOSE AND AUTHORITY.

Section 201 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended--

(1) by striking subsection (a)(1) and inserting the following:

"(1) to support community-based efforts to develop, operate, expand, enhance, and coordinate initiatives, programs, and activities to prevent child abuse and neglect and to support the coordination of resources and activities, to better strengthen and support families to reduce the likelihood of child abuse and neglect; and"; and

(2) in subsection (b)--

(A) in the matter preceding paragraph (1), by striking "hereafter";

(B) in paragraph (1)--

(i) in the matter preceding subparagraph (A)--

(I) by inserting a comma after "expanding"; and

(II) by striking "(through networks where appropriate)";

(ii) in subparagraph (E), by inserting before the semicolon the following: ", including access to such resources and opportunities for unaccompanied homeless youth"; and

(iii) by striking subparagraph (G) and inserting the following:

"(G) demonstrate a commitment to involving parents in the planning and program implementation of the lead agency and entities carrying out local programs funded under this title, including involvement of parents of children with disabilities, parents who are individuals with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and";

(C) in paragraph (2), by inserting after "children and families" the following: ", including unaccompanied homeless youth,";

(D) in paragraph (3)--

(i) by inserting "substance abuse treatment services, domestic violence services," after "mental health services,";

(ii) by striking "family resource and support program" and inserting "community-based child abuse and neglect prevention program"; and

(iii) by striking "community-based family resource and support program" and inserting "community-based child abuse and neglect prevention programs"; and

(E) in paragraph (4)--

(i) by inserting "and reporting" after "information management";

(ii) by striking the comma after "prevention-focused"; and

(iii) by striking "(through networks where appropriate)".

[*133] SEC. 133. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended--

(1) in paragraph (1)--

(A) by striking "chief executive officer" each place it appears and inserting "Governor"; and

(B) by inserting a comma after "enhance";

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2010 Enacted S. 3817; 111 Enacted S. 3817

- (2) in paragraphs (1), (2), and (3), by striking "(through networks where appropriate)" each place it appears;
- (3) in paragraphs (2) and (3), in the matter preceding subparagraph (A), by striking "chief executive officer" and inserting "Governor"; and
- (4) in paragraph (2)--
 - (A) in subparagraphs (A) and (B), by inserting "adult former victims of child abuse or neglect," after "parents,"; and
 - (B) in subparagraph (C), by inserting a comma after "State".

[*134] SEC. 134. AMOUNT OF GRANT.

Section 203(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1))--

- (1) in subparagraph (A), by striking all that precedes "70" and inserting the following:
"(A) 70 percent.--"; and
- (2) in subparagraph (B), by striking all that precedes "30" and inserting the following:
"(B) 30 percent.--".

[*135] SEC. 135. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended--

- (1) in paragraphs (1) and (2), by striking "(through networks where appropriate)";
- (2) in paragraph (2)--
 - (A) by striking "and how family resource and support" and inserting ", including how community-based child abuse and neglect prevention"; and
 - (B) by striking "services provided" and inserting "programs provided";
- (3) in paragraph (4), by inserting a comma after "operation";
- (4) in paragraph (6)--
 - (A) by striking "an assurance that the State has the" and inserting "a description of the State's"; and
 - (B) by striking "consumers and" and inserting "consumers, of family advocates, and of adult former victims of child abuse or neglect,";
- (5) in paragraph (7), by inserting a comma after "expansion";
- (6) in paragraph (8)--
 - (A) by striking "and activities"; and
 - (B) by inserting after "homelessness," the following: "unaccompanied homeless youth,";
- (7) in paragraph (9), by inserting a comma after "training"; and
- (8) in paragraph (11), by inserting a comma after "procedures".

[*136] SEC. 136. LOCAL PROGRAM REQUIREMENTS.

(a) In General.--Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended--

- (1) in the matter preceding paragraph (1), by inserting a comma after "expand";
- (2) in paragraph (1)--
 - (A) by striking "parents and" and inserting "parents,"; and
 - (B) by inserting "in meaningful roles" before the semicolon;

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(3) in paragraph (2)--

(A) by striking "a strategy to provide, over time," and inserting "a comprehensive strategy to provide";

(B) by striking "family centered" and inserting "family-centered"; and

(C) by striking "and parents with young children," and inserting ", to parents with young children, and to parents who are adult former victims of domestic violence or child abuse or neglect,";

(4) in paragraph (3)--

(A) by striking all that precedes subparagraph (C) and inserting the following:

"(3)(A) provide for core child abuse and neglect prevention services, which may be provided directly by the local recipient of the grant funds or through grants or agreements with other local agencies, such as--

"(i) parent education, mutual support and self help, and parent leadership services;

"(ii) respite care services;

"(iii) outreach and followup services, which may include voluntary home visiting services; and

"(iv) community and social service referrals; and"; and

(B) in subparagraph (C)--

(i) in the matter preceding clause (i), by striking "(C)" and inserting "(B) provide";

(ii) by striking clause (ii) and inserting the following:

"(ii) child care, early childhood education and care, and intervention services;";

(iii) in clause (iii), by inserting "and parents who are individuals with disabilities" before the semicolon;

(iv) in clause (v), by striking "scholastic tutoring" and inserting "academic tutoring";

(v) in clause (vii), by striking "and" after the semicolon;

(vi) in clause (viii), by adding "and" after the semicolon;

(vii) by adding at the end the following:

"(ix) domestic violence service programs that provide services and treatment to children and their non-abusing caregivers."; and

(viii) in clause (v), by striking "scholastic tutoring" and inserting "academic tutoring";

(5) in paragraph (5), by striking "family resource and support program" and inserting "child abuse and neglect prevention program"; and

(6) in paragraph (6), by inserting a comma after "operation".

(b) Technical Amendment.--Section 206(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(b)) is amended--

(1) by striking "low income" and inserting "low-income"; and

(2) by striking "family resource and support programs" and inserting "child abuse and neglect prevention programs.".

[*137] SEC. 137. CONFORMING AMENDMENTS.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5119f) is amended--

(1) in paragraph (1), by inserting a comma after "operation";

(2) in paragraph (2), by inserting "which description shall specify whether those services are supported by research" after "section 202";

(3) in paragraph (4)--

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(A) by striking "section 205(3)" and inserting "section 204(3)"; and

(B) by inserting a comma after "operation";

(4) in paragraph (6)--

(A) by inserting a comma after "local"; and

(B) by inserting a comma after "expansion"; and

(5) in paragraph (7), by striking "the results" and all that follows and inserting "the results of evaluation, or the outcomes of monitoring, conducted under the State program to demonstrate the effectiveness of activities conducted under this title in meeting the purposes of the program; and".

[*138] SEC. 138. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g) is amended--

(1) in paragraph (1), by inserting a comma after "operate";

(2) in paragraph (2), by inserting a comma after "operate"; and

(3) in paragraph (4), by inserting a comma after "operate".

[*139] SEC. 139. DEFINITIONS.

Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended--

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2), (3), and (5) as paragraphs (1) through (3), respectively; and

(3) in paragraph (3), as so redesignated--

(A) in the matter preceding subparagraph (A), by inserting ", including the services of crisis nurseries," after "short term care services";

(B) in subparagraphs (A) and (B), by striking "abuse or neglect" and inserting "child abuse or neglect"; and

(C) in subparagraph (C), by striking "have" and all that follows and inserting "have disabilities or chronic or terminal illnesses."

[*140] SEC. 140. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended--

(1) by striking "2004" and inserting "2010"; and

(2) by striking "2005 through 2008" and inserting "2011 through 2015".

[*141] SEC. 141. REDESIGNATION.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended by redesignating sections 205 through 210 as sections 204 through 209, respectively.

[*142] SEC. 142. TRANSFER OF DEFINITIONS.

(a) General Definitions.--The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by inserting after section 2 the following:

"Sec. 3. GENERAL DEFINITIONS.

"In this Act--

"(1) the term 'child' means a person who has not attained the lesser of--

"(A) the age of 18; or

111 P.L. 320, *; 124 Stat. 3459;
2010 Enacted S. 3817; 111 Enacted S. 3817

"(B) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;

"(2) the term 'child abuse and neglect' means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;

"(3) the term 'child with a disability' means a child with a disability as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), or an infant or toddler with a disability as defined in section 632 of such Act (20 U.S.C. 1432);

"(4) the term 'Governor' means the chief executive officer of a State;

"(5) the terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

"(6) the term 'Secretary' means the Secretary of Health and Human Services;

"(7) except as provided in section 106(f), the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

"(8) the term 'unaccompanied homeless youth' means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)."

(b) Conforming Amendments.--Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g), as amended by section 119, is further amended--

(1) by striking paragraphs (1), (2), (3), (5), (9), and (11) of section 111;

(2) by redesignating paragraphs (7), (8), and (10) as paragraphs (1), (2), and (3), respectively, and inserting the paragraphs before paragraph (4);

(3) in paragraph (3), as so redesignated, by striking "and" at the end;

(4) in paragraph (4), by adding "and" at the end; and

(5) by redesignating paragraph (6) as paragraph (5).

Subtitle C--Conforming Amendments

[*151] SEC. 151.--AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1(b) of the Child Abuse Prevention and Treatment Act is amended--

(1) by inserting after the item relating to section 2 the following:

"Sec. 3. General definitions.";

(2) by amending the item relating to section 105 to read as follows:

"Sec. 105. Grants to States, Indian tribes or tribal organizations, and public or private agencies and organizations.";

(3) by amending the item relating to section 106 to read as follows:

"Sec. 106. Grants to States for child abuse or neglect prevention and treatment programs.";

(4) by striking the item relating to the title heading of title II and inserting the following:

"TITLE II--COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE OR NEGLECT";

and

(5) by striking the items relating to sections 204 through 210 and inserting the following:

"Sec. 204. Application.

"Sec. 205. Local program requirements.

"Sec. 206. Performance measures.

"Sec. 207. National network for community-based family resource programs.

111 P.L. 320, *; 124 Stat. 3459;
2010 Enacted S. 3817; 111 Enacted S. 3817

"Sec. 208. Definitions.

"Sec. 209. Authorization of appropriations."

TITLE II--FAMILY VIOLENCE PREVENTION AND SERVICES ACT

[*201] Sec. 201. FAMILY VIOLENCE PREVENTION AND SERVICES.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended to read as follows:

"TITLE III--FAMILY VIOLENCE PREVENTION AND SERVICES

"Sec. 301. SHORT TITLE; PURPOSE.

"(a) Short Title.--This title may be cited as the 'Family Violence Prevention and Services Act'.

"(b) Purpose.--It is the purpose of this title to--

"(1) assist States and Indian tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence;

"(2) assist States and Indian tribes in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents;

"(3) provide for a national domestic violence hotline;

"(4) provide for technical assistance and training relating to family violence, domestic violence, and dating violence programs to States and Indian tribes, local public agencies (including law enforcement agencies, courts, and legal, social service, and health care professionals in public agencies), nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, and voluntary associations), tribal organizations, and other persons seeking such assistance and training.

"Sec. 302. DEFINITIONS.

"In this title:

"(1) Alaska native.-- The term 'Alaska Native' has the meaning given the term 'Native' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(2) Dating violence.-- The term 'dating violence' has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

"(3) Domestic violence.-- The term 'domestic violence' has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

"(4) Family violence.-- The term 'family violence' means any act or threatened act of violence, including any forceful detention of an individual, that--

"(A) results or threatens to result in physical injury; and

"(B) is committed by a person against another individual (including an elderly individual) to or with whom such person--

"(i) is related by blood;

"(ii) is or was related by marriage or is or was otherwise legally related; or

"(iii) is or was lawfully residing.

"(5) Indian; Indian tribe; tribal organization.-- The terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(6) Native Hawaiian.-- The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

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"(7) Personally identifying information.-- The term 'personally identifying information' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

"(8) Secretary.-- The term 'Secretary' means the Secretary of Health and Human Services.

"(9) Shelter.-- The term 'shelter' means the provision of temporary refuge and supportive services in compliance with applicable State law (including regulation) governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

"(10) State.-- The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(11) State domestic violence coalition.-- The term 'State Domestic Violence Coalition' means a statewide non-governmental nonprofit private domestic violence organization that--

"(A) has a membership that includes a majority of the primary-purpose domestic violence service providers in the State;

"(B) has board membership that is representative of primary-purpose domestic violence service providers, and which may include representatives of the communities in which the services are being provided in the State;

"(C) has as its purpose to provide education, support, and technical assistance to such service providers to enable the providers to establish and maintain shelter and supportive services for victims of domestic violence and their dependents; and

"(D) serves as an information clearinghouse, primary point of contact, and resource center on domestic violence for the State and supports the development of policies, protocols, and procedures to enhance domestic violence intervention and prevention in the State.

"(12) Supportive services.-- The term 'supportive services' means services for adult and youth victims of family violence, domestic violence, or dating violence, and dependents exposed to family violence, domestic violence, or dating violence, that are designed to--

"(A) meet the needs of such victims of family violence, domestic violence, or dating violence, and their dependents, for short-term, transitional, or long-term safety; and

"(B) provide counseling, advocacy, or assistance for victims of family violence, domestic violence, or dating violence, and their dependents.

"(13) Tribally designated official.-- The term 'tribally designated official' means an individual designated by an Indian tribe, tribal organization, or nonprofit private organization authorized by an Indian tribe, to administer a grant under section 309.

"(14) Underserved populations.-- The term 'underserved populations' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). For the purposes of this title, the Secretary has the same authority to determine whether a population is an underserved population as the Attorney General has under that section 40002(a).

"Sec. 303. AUTHORIZATION OF APPROPRIATIONS.

"(a) Formula Grants to States.--

"(1) In general.-- There is authorized to be appropriated to carry out sections 301 through 312, \$ 175,000,000 for each of fiscal years 2011 through 2015.

"(2) Allocations.----

"(A) Formula grants to states.--

"(i) Reservation of funds.--For any fiscal year for which the amounts appropriated under paragraph (1) exceed \$ 130,000,000, not less than 25 percent of such excess funds shall be made available to carry out section 312.

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"(ii) Formula grants.--Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under clause (i), not less than 70 percent shall be used for making grants under section 306(a).

"(B) Grants to tribes.--Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent shall be used to carry out section 309.

"(C) Technical assistance and training centers.--Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 6 percent shall be used by the Secretary for making grants under section 310.

"(D) Grants for state domestic violence coalitions.--Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

"(E) Administration, evaluation and monitoring.--Of the amount appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.

"(b) National Domestic Violence Hotline.--There is authorized to be appropriated to carry out section 313 \$ 3,500,000 for each of fiscal years 2011 through 2015.

"(c) Domestic Violence Prevention Enhancement and Leadership Through Alliances.--There is authorized to be appropriated to carry out section 314 \$ 6,000,000 for each of fiscal years 2011 through 2015.

"Sec. 304. AUTHORITY OF SECRETARY.

"(a) Authorities.--In order to carry out the provisions of this title, the Secretary is authorized to--

"(1) appoint and fix the compensation of such personnel as are necessary;

"(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such temporary and intermittent services of experts and consultants as are necessary;

"(3) make grants to eligible entities or enter into contracts with for-profit or nonprofit nongovernmental entities and establish reporting requirements for such grantees and contractors;

"(4) prescribe such regulations and guidance as are reasonably necessary in order to carry out the objectives and provisions of this title, including regulations and guidance on implementing new grant conditions established or provisions modified by amendments made to this title by the CAPTA Reauthorization Act of 2010, to ensure accountability and transparency of the actions of grantees and contractors, or as determined by the Secretary to be reasonably necessary to carry out this title; and

"(5) coordinate programs within the Department of Health and Human Services, and seek to coordinate those programs with programs administered by other Federal agencies, that involve or affect efforts to prevent family violence, domestic violence, and dating violence or the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence.

"(b) Administration.--The Secretary shall--

"(1) assign 1 or more employees of the Department of Health and Human Services to carry out the provisions of this title, including carrying out evaluation and monitoring under this title, which employees shall, prior to such appointment, have expertise in the field of family violence and domestic violence prevention and services and, to the extent practicable, have expertise in the field of dating violence;

"(2) provide technical assistance in the conduct of programs for the prevention and treatment of family violence, domestic violence, and dating violence;

"(3) provide for and coordinate research into the most effective approaches to the intervention in and prevention of family violence, domestic violence, and dating violence, by--

"(A) consulting with experts and program providers within the family violence, domestic violence, and dating violence field to identify gaps in research and knowledge, establish research priorities, and disseminate research findings;

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"(B) collecting and reporting data on the provision of family violence, domestic violence, and dating violence services, including assistance and programs supported by Federal funds made available under this title and by other governmental or nongovernmental sources of funds; and

"(C) coordinating family violence, domestic violence, and dating violence research efforts within the Department of Health and Human Services with relevant research administered or carried out by other Federal agencies and other researchers, including research on the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence; and

"(4) support the development and implementation of effective policies, protocols, and programs within the Department and at other Federal agencies that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence.

"(c) Reports.--Every 2 years, the Secretary shall review and evaluate the activities conducted by grantees, subgrantees, and contractors under this title and the effectiveness of the programs administered pursuant to this title, and submit a report containing the evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Such report shall also include a summary of the documentation provided to the Secretary through performance reports submitted under section 306(d). The Secretary shall make publicly available on the Department of Health and Human Services website the evaluation reports submitted to Congress under this subsection, including the summary of the documentation provided to the Secretary under section 306(d).

"Sec. 305. ALLOTMENT OF FUNDS.

"(a) In General.--From the sums appropriated under section 303 and available for grants to States under section 306(a) for any fiscal year--

"(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than 1/8 of 1 percent of the amounts available for grants under section 306(a) for the fiscal year for which the allotment is made; and

"(2) each State shall be allotted for a grant under section 306(a), \$ 600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.

"(b) Population.--For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13, United States Code.

"(c) Ratable Reduction.--If the sums appropriated under section 303 for any fiscal year and available for grants to States under section 306(a) are not sufficient to pay in full the total amounts that all States are entitled to receive under subsection (a) for such fiscal year, then the maximum amounts that all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(d) Reallotment.--If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 303, the amount allotted to a State has not been made available to such State in a grant under section 306(a) because of the failure of such State to meet the requirements for such a grant, then the Secretary shall reallot such amount to States that meet such requirements.

"(e) Continued Availability of Funds.--All funds allotted to a State for a fiscal year under this section, and made available to such State in a grant under section 306(a), shall remain available for obligation by the State until the end of the following fiscal year. All such funds that are not obligated by the State by the end of the following fiscal year shall be made available to the Secretary for discretionary activities under section 314. Such funds shall remain available for obligation, and for expenditure by a recipient of the funds under section 314, for not more than 1 year from the date on which the funds are made available to the Secretary.

"(f) Definition.--In subsection (a)(2), the term 'State' does not include any jurisdiction specified in subsection (a)(1).

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"Sec. 306. FORMULA GRANTS TO STATES.

"(a) Formula Grants to States.--The Secretary shall award grants to States in order to assist in supporting the establishment, maintenance, and expansion of programs and projects--

"(1) to prevent incidents of family violence, domestic violence, and dating violence;

"(2) to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and

"(3) to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.

"(b) Administrative Expenses.--

"(1) Administrative costs.-- Each State may use not more than 5 percent of the grant funds for State administrative costs.

"(2) Subgrants to eligible entities.-- The State shall use the remainder of the grant funds to make subgrants to eligible entities for approved purposes as described in section 308.

"(c) Grant Conditions.--

"(1) Approved activities.-- In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, and tribal public officials and agencies, in accordance with limitations on disclosure of confidential or private information as described in paragraph (5), to develop and implement policies to reduce or eliminate family violence, domestic violence, and dating violence.

"(2) Discrimination prohibited.----

"(A) Application of civil rights provisions.--For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded in whole or in part with funds made available under this title are considered to be programs and activities receiving Federal financial assistance.

"(B) Prohibition on discrimination on basis of sex, religion.--

"(i) In general.--No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this title. Nothing in this title shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal or safe operation of that particular program or activity.

"(ii) Enforcement.--The Secretary shall enforce the provisions of clause (i) in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1). Section 603 of such Act (42 U.S.C. 2000d-2) shall apply with respect to any action taken by the Secretary to enforce such clause.

"(iii) Construction.--This subparagraph shall not be construed as affecting any legal remedy provided under any other provision of law.

"(C) Enforcement authorities of secretary.--Whenever the Secretary finds that a State, Indian tribe, or other entity that has received financial assistance under this title has failed to comply with a provision of law referred to in subparagraph (A), with subparagraph (B), or with an applicable regulation (including one prescribed to carry out subparagraph (B)), the Secretary shall notify the chief executive officer of the State involved or the tribally designated official of the tribe involved and shall request such officer or official to secure compliance. If, within a reasonable period of time, not to exceed 60 days, the chief executive officer or official fails or refuses to secure compliance, the Secretary may--

"(i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

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"(ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), sections 504 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794(a)), or title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as may be applicable; or

"(iii) take such other action as may be provided by law.

"(D) Enforcement authority of attorney general.--When a matter is referred to the Attorney General pursuant to subparagraph (C)(i), or whenever the Attorney General has reason to believe that a State, an Indian tribe, or an entity described in subparagraph (C) is engaged in a pattern or practice in violation of a provision of law referred to in subparagraph (A) or in violation of subparagraph (B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

"(3) Income eligibility standards.-- No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this title. No fees may be levied for assistance or services provided with funds appropriated to carry out this title.

"(4) Match.-- No grant shall be made under this section to any entity other than a State or an Indian tribe unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program or project for which the grant is awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than \$ 1 for every \$ 5 of Federal funds provided under the grant. The non-Federal contributions required under this paragraph may be in cash or in kind.

"(5) Nondisclosure of confidential or private information.----

"(A) In general.--In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of such victims and their families.

"(B) Nondisclosure.--Subject to subparagraphs (C), (D), and (E), grantees and subgrantees shall not--

"(i) disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantees' and subgrantees' programs; or

"(ii) reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent--

"(I) shall be given by--

"(aa) the person, except as provided in item (bb) or (cc);

"(bb) in the case of an unemancipated minor, the minor and the minor's parent or guardian; or

"(cc) in the case of an individual with a guardian, the individual's guardian; and

"(II) may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor.

"(C) Release.--If release of information described in subparagraph (B) is compelled by statutory or court mandate--

"(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the release of the information; and

"(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

"(D) Information sharing.--Grantees and subgrantees may share--

"(i) nonpersonally identifying information, in the aggregate, regarding services to their clients and demographic nonpersonally identifying information in order to comply with Federal, State, or tribal reporting, evaluation, or data collection requirements;

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"(ii) court-generated information and law enforcement-generated information contained in secure, governmental registries for protective order enforcement purposes; and

"(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

"(E) Oversight.--Nothing in this paragraph shall prevent the Secretary from disclosing grant activities authorized in this title to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and exercising congressional oversight authority. In making all such disclosures, the Secretary shall protect the confidentiality of individuals and omit personally identifying information, including location information about individuals and shelters.

"(F) Statutorily permitted reports of abuse or neglect.--Nothing in this paragraph shall prohibit a grantee or subgrantee from reporting abuse and neglect, as those terms are defined by law, where mandated or expressly permitted by the State or Indian tribe involved.

"(G) Preemption.--Nothing in this paragraph shall be construed to supersede any provision of any Federal, State, tribal, or local law that provides greater protection than this paragraph for victims of family violence, domestic violence, or dating violence.

"(H) Confidentiality of location.--The address or location of any shelter facility assisted under this title that otherwise maintains a confidential location shall, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public.

"(6) Supplement not supplant.-- Federal funds made available to a State or Indian tribe under this title shall be used to supplement and not supplant other Federal, State, tribal, and local public funds expended to provide services and activities that promote the objectives of this title.

"(d) Reports and Evaluation.--Each grantee shall submit an annual performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the grantee and subgrantee activities that have been carried out with grant funds made available under subsection (a) or section 309, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

"Sec. 307. STATE APPLICATION.

"(a) Application.--

"(1) In general.-- The chief executive officer of a State seeking funds under section 306(a) or a tribally designated official seeking funds under section 309(a) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(2) Contents.-- Each such application shall--

"(A) provide a description of the procedures that have been developed to ensure compliance with the provisions of sections 306(c) and 308(d);

"(B) provide, with respect to funds described in paragraph (1), assurances that--

"(i) not more than 5 percent of such funds will be used for administrative costs;

"(ii) the remaining funds will be distributed to eligible entities as described in section 308(a) for approved activities as described in section 308(b); and

"(iii) in the distribution of funds by a State under section 308(a), the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, that are carried out by nonprofit private organizations and that--

"(I) have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents; or

"(II) provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents;

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"(C) in the case of an application submitted by a State, provide an assurance that there will be an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

"(D) in the case of an application submitted by a State, provide an assurance that the State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grants to eligible entities as described in section 308(a) and the administration of the grant programs and projects;

"(E) describe how the State or Indian tribe will involve community-based organizations, whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State or Indian tribe in addressing the unmet needs of such populations;

"(F) describe how activities and services provided by the State or Indian tribe are designed to reduce family violence, domestic violence, and dating violence, including how funds will be used to provide shelter, supportive services, and prevention services in accordance with section 308(b);

"(G) specify the State agency or tribally designated official to be designated as responsible for the administration of programs and activities relating to family violence, domestic violence, and dating violence, that are carried out by the State or Indian tribe under this title, and for coordination of related programs within the jurisdiction of the State or Indian tribe;

"(H) provide an assurance that the State or Indian tribe has a law or procedure to bar an abuser from a shared household or a household of the abused person, which may include eviction laws or procedures, where appropriate; and

"(I) meet such requirements as the Secretary reasonably determines are necessary to carry out the objectives and provisions of this title.

"(b) Approval of Application.--

"(1) In general.-- The Secretary shall approve any application that meets the requirements of subsection (a) and section 306. The Secretary shall not disapprove any application under this subsection unless the Secretary gives the applicant reasonable notice of the Secretary's intention to disapprove and a 6-month period providing an opportunity for correction of any deficiencies.

"(2) Correction of deficiencies.-- The Secretary shall give such notice, within 45 days after the date of submission of the application, if any of the provisions of subsection (a) or section 306 have not been satisfied in such application. If the State or Indian tribe does not correct the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice, the Secretary shall withhold payment of any grant funds under section 306 to such State or under section 309 to such Indian tribe until such date as the State or Indian tribe provides documentation that the deficiencies have been corrected.

"(3) State or tribal domestic violence coalition participation in determinations of compliance.-- State Domestic Violence Coalitions, or comparable coalitions for Indian tribes, shall be permitted to participate in determining whether grantees for corresponding States or Indian tribes are in compliance with subsection (a) and section 306(c), except that no funds made available under section 311 shall be used to challenge a determination about whether a grantee is in compliance with, or to seek the enforcement of, the requirements of this title.

"(4) Failure to report; nonconforming expenditures.-- The Secretary shall suspend funding for an approved application if the applicant fails to submit an annual performance report under section 306(d), or if funds are expended for purposes other than those set forth in section 306(b), after following the procedures set forth in paragraphs (1), (2), and (3).

"Sec. 308. SUBGRANTS AND USES OF FUNDS.

"(a) Subgrants.--A State that receives a grant under section 306(a) shall use grant funds described in section 306(b)(2) to provide subgrants to eligible entities for programs and projects within such State, that is designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence (and their dependents), and that may provide prevention services to prevent future incidents of family violence, domestic violence, and dating violence.

"(b) Use of Funds.--

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"(1) In general.-- Funds awarded to eligible entities under subsection (a) shall be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, which may include--

"(A) provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter;

"(B) assistance in developing safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being;

"(C) provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence;

"(D) provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence and increase the accessibility of family violence, domestic violence, and dating violence services;

"(E) provision of culturally and linguistically appropriate services;

"(F) provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the nonabusing parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the nonabusing parent and child together;

"(G) provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including--

"(i) assistance in accessing related Federal and State financial assistance programs;

"(ii) legal advocacy to assist victims and their dependents;

"(iii) medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), but which shall not include reimbursement for any health care services;

"(iv) assistance locating and securing safe and affordable permanent housing and homelessness prevention services;

"(v) provision of transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services; and

"(vi) parenting and other educational services for victims and their dependents; and

"(H) prevention services, including outreach to underserved populations.

"(2) Shelter and supportive services.-- Not less than 70 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, as described in paragraph (1)(A). Not less than 25 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the purpose of providing supportive services and prevention services as described in subparagraphs (B) through (H) of paragraph (1).

"(c) Eligible Entities.--To be eligible to receive a subgrant from a State under this section, an entity shall be--

"(1) a local public agency, or a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, tribal organizations, and voluntary associations), that assists victims of family violence, domestic violence, or dating violence, and their dependents, and has a documented history of effective work concerning family violence, domestic violence, or dating violence; or

"(2) a partnership of 2 or more agencies or organizations that includes--

"(A) an agency or organization described in paragraph (1); and

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"(B) an agency or organization that has a demonstrated history of serving populations in their communities, including providing culturally appropriate services.

"(d) Conditions.--

"(1) Direct payments to victims or dependants.-- No funds provided under this title may be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim.

"(2) Voluntarily accepted services.-- Receipt of supportive services under this title shall be voluntary. No condition may be applied for the receipt of emergency shelter as described in subsection (b)(1)(A).

"Sec. 309. GRANTS FOR INDIAN TRIBES.

"(a) Grants Authorized.--The Secretary, in consultation with tribal governments pursuant to Executive Order No. 13175 (25 U.S.C. 450 note) and in accordance with section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d), shall continue to award grants for Indian tribes from amounts appropriated under section 303(a)(2)(B) to carry out this section.

"(b) Eligible Entities.--To be eligible to receive a grant under this section, an entity shall be an Indian tribe, or a tribal organization or nonprofit private organization authorized by an Indian tribe. An Indian tribe shall have the option to authorize a tribal organization or a nonprofit private organization to submit an application and administer the grant funds awarded under this section.

"(c) Conditions.--Each recipient of such a grant shall comply with requirements that are consistent with the requirements applicable to grantees under section 306.

"(d) Grantee Application.--To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary under section 307 at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives and provisions of this title. The Secretary shall approve any application that meets requirements consistent with the requirements of section 306(c) and section 307(a).

"(e) Use of Funds.--An amount provided under a grant to an eligible entity shall be used for the services described in section 308(b).

"Sec. 310. NATIONAL RESOURCE CENTERS AND TRAINING AND TECHNICAL ASSISTANCE CENTERS.

"(a) Purpose and Grants Authorized.--

"(1) Purpose.-- The purpose of this section is to provide resource information, training, and technical assistance relating to the objectives of this title to improve the capacity of individuals, organizations, governmental entities, and communities to prevent family violence, domestic violence, and dating violence and to provide effective intervention services.

"(2) Grants authorized.-- From the amounts appropriated under this title and reserved under section 303(a)(2)(C), the Secretary--

"(A) shall award grants to eligible entities for the establishment and maintenance of--

"(i) 2 national resource centers (as provided for in subsection (b)(1)); and

"(ii) at least 7 special issue resource centers addressing key areas of domestic violence, and intervention and prevention (as provided for in subsection (b)(2)); and

"(B) may award grants, to--

"(i) State resource centers to reduce disparities in domestic violence in States with high proportions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and

"(ii) support training and technical assistance that address emerging issues related to family violence, domestic violence, or dating violence, to entities demonstrating related expertise.

"(b) Domestic Violence Resource Centers.--

111 P.L. 320, *; 124 Stat. 3459;
2010 Enacted S. 3817; 111 Enacted S. 3817

"(1) National resource centers.-- In accordance with subsection (a)(2), the Secretary shall award grants to eligible entities for--

"(A) a National Resource Center on Domestic Violence, which shall--

"(i) offer a comprehensive array of technical assistance and training resources to Federal, State, and local governmental agencies, domestic violence service providers, community-based organizations, and other professionals and interested parties, related to domestic violence service programs and research, including programs and research related to victims and their children who are exposed to domestic violence; and

"(ii) maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics related to--

"(I) the incidence and prevention of family violence and domestic violence; and

"(II) the provision of shelter, supportive services, and prevention services to adult and youth victims of domestic violence (including services to prevent repeated incidents of violence); and

"(B) a National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women, which shall--

"(i) offer a comprehensive array of technical assistance and training resources to Indian tribes and tribal organizations, specifically designed to enhance the capacity of the tribes and organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg-10 note);

"(ii) enhance the intervention and prevention efforts of Indian tribes and tribal organizations to respond to domestic violence and increase the safety of Indian women in support of the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42. U.S.C. 3796gg-10 note); and

"(iii) coordinate activities with other Federal agencies, offices, and grantees that address the needs of Indians (including Alaska Natives), and Native Hawaiians that experience domestic violence, including the Office of Justice Services at the Bureau of Indian Affairs, the Indian Health Service of the Department of Health and Human Services, and the Office on Violence Against Women of the Department of Justice.

"(2) Special issue resource centers.-- In accordance with subsection (a)(2)(A)(ii), the Secretary shall award grants to eligible entities for special issue resource centers, which shall be national in scope and shall provide information, training, and technical assistance to State and local domestic violence service providers. Each special issue resource center shall focus on enhancing domestic violence intervention and prevention efforts in at least one of the following areas:

"(A) The response of the criminal and civil justice systems to domestic violence victims, which may include the response to the use of the self-defense plea by domestic violence victims and the issuance and use of protective orders.

"(B) The response of child protective service agencies to victims of domestic violence and their dependents and child custody issues in domestic violence cases.

"(C) The response of the interdisciplinary health care system to victims of domestic violence and access to health care resources for victims of domestic violence.

"(D) The response of mental health systems, domestic violence service programs, and other related systems and programs to victims of domestic violence and to their children who are exposed to domestic violence.

"(E) In the case of 3 specific resource centers, enhancing domestic violence intervention and prevention efforts for victims of domestic violence who are members of racial and ethnic minority groups, to enhance the cultural and linguistic relevancy of service delivery, resource utilization, policy, research, technical assistance, community education, and prevention initiatives.

"(3) State resource centers to reduce tribal disparities.----

"(A) In general.--In accordance with subsection (a)(2), the Secretary may award grants to eligible entities for State resource centers, which shall provide statewide information, training, and technical assistance to Indian tribes,

111 P.L. 320, *; 124 Stat. 3459;
2010 Enacted S. 3817; 111 Enacted S. 3817

tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawaiians, in a culturally sensitive and relevant manner.

"(B) Requirements.--An eligible entity shall use a grant provided under this paragraph--

"(i) to offer a comprehensive array of technical assistance and training resources to Indian tribes, tribal organizations, and providers of services to Indians (including Alaska Natives) or Native Hawaiians, specifically designed to enhance the capacity of the tribes, organizations, and providers to respond to domestic violence, including offering the resources in States in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 2.5 percent of the total population of the State;

"(ii) to coordinate all projects and activities with the national resource center described in paragraph (1)(B), including projects and activities that involve working with nontribal State and local governments to enhance their capacity to understand the unique needs of Indians (including Alaska Natives) and Native Hawaiians; and

"(iii) to provide comprehensive community education and domestic violence prevention initiatives in a culturally sensitive and relevant manner.

"(c) Eligibility.--

"(1) In general.-- To be eligible to receive a grant under subsection (b)(1)(A) or subparagraph (A), (B), (C), or (D) of subsection (b)(2), an entity shall be a nonprofit private organization that focuses primarily on domestic violence and that--

"(A) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, and (in the case of an entity seeking a grant under subsection (b)(2)) demonstrating experience working directly in the corresponding specific special issue area described in subsection (b)(2);

"(B) includes on the entity's advisory board representatives who are from domestic violence service programs and who are geographically and culturally diverse; and

"(C) demonstrates the strong support of domestic violence service programs from across the Nation for the entity's designation as a national resource center or a special issue resource center, as appropriate.

"(2) National Indian resource center.-- To be eligible to receive a grant under subsection (b)(1)(B), an entity shall be a tribal organization or a nonprofit private organization that focuses primarily on issues of domestic violence within Indian tribes and that submits documentation to the Secretary demonstrating--

"(A) experience working with Indian tribes and tribal organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg-10 note);

"(B) experience providing Indian tribes and tribal organizations with assistance in developing tribally-based prevention and intervention services addressing domestic violence and safety for Indian women consistent with the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg-10 note);

"(C) strong support for the entity's designation as the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women from advocates working within Indian tribes to address domestic violence and the safety of Indian women;

"(D) a record of demonstrated effectiveness in assisting Indian tribes and tribal organizations with prevention and intervention services addressing domestic violence; and

"(E) the capacity to serve Indian tribes (including Alaska Native villages and regional and village corporations) across the United States.

"(3) Special issue resource centers concerned with racial and ethnic minority groups.-- To be eligible to receive a grant under subsection (b)(2)(E), an entity shall be an entity that--

"(A) is a nonprofit private organization that focuses primarily on issues of domestic violence in a racial or ethnic community, or is a public or private nonprofit educational institution that has a domestic violence institute, center, or program related to culturally specific issues in domestic violence; and"(B)

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(i) has documented experience in the areas of domestic violence prevention and services, and experience relevant to the specific racial or ethnic population to which information, training, technical assistance, and outreach would be provided under the grant;

"(ii) demonstrates the strong support, of advocates from across the Nation who are working to address domestic violence; and

"(iii) has a record of demonstrated effectiveness in enhancing the cultural and linguistic relevancy of service delivery.

"(4) State resource centers to reduce tribal disparities.-- To be eligible to receive a grant under subsection (b)(3), an entity shall--"(A)

(i) be located in a State in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 10 percent of the total population of the State; or

"(ii) be an Indian tribe, tribal organization, or Native Hawaiian organization that focuses primarily on issues of domestic violence among Indians or Native Hawaiians, or an institution of higher education; and

"(B) demonstrate the ability to serve all regions of the State, including underdeveloped areas and areas that are geographically distant from population centers.

"(d) Reports and Evaluation.--Each entity receiving a grant under this section shall submit a performance report to the Secretary annually and in such manner as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of the activities, and provide such additional information as the Secretary may reasonably require.

"Sec. 311. GRANTS TO STATE DOMESTIC VIOLENCE COALITIONS.

"(a) Grants.--The Secretary shall award grants for the funding of State Domestic Violence Coalitions.

"(b) Allotment of Funds.--

"(1) In general.-- From the amount appropriated under section 303(a)(2)(D) for each fiscal year, the Secretary shall allot to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the covered territories an amount equal to 1/56 of the amount so appropriated for such fiscal year.

"(2) Definition.-- For purposes of this subsection, the term 'covered territories' means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(c) Application.--Each State Domestic Violence Coalition desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives of this section. The application submitted by the coalition for the grant shall provide documentation of the coalition's work, satisfactory to the Secretary, demonstrating that the coalition--

"(1) meets all of the applicable requirements set forth in this title; and

"(2) demonstrates the ability to conduct appropriately all activities described in this section, as indicated by--

"(A) documented experience in administering Federal grants to conduct the activities described in subsection (d); or

"(B) a documented history of active participation in the activities described in paragraphs (1), (3), (4), and (5) of subsection (d) and a demonstrated capacity to conduct the activities described in subsection (d)(2).

"(d) Use of Funds.--A coalition that receives a grant under this section shall use the grant funds for administration and operations to further the purposes of family violence, domestic violence, and dating violence intervention and prevention, through activities that shall include--

"(1) working with local family violence, domestic violence, and dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the State involved, including providing training and technical assistance and conducting State needs assessments;

111 P.L. 320, *; 124 Stat. 3459;
2010 Enacted S. 3817; 111 Enacted S. 3817

"(2) participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 308(a);

"(3) working in collaboration with service providers and community-based organizations to address the needs of family violence, domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations;

"(4) collaborating with and providing information to entities in such fields as housing, health care, mental health, social welfare, or business to support the development and implementation of effective policies, protocols, and programs that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence;

"(5) encouraging appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, including by working with judicial and law enforcement agencies;

"(6) working with family law judges, criminal court judges, child protective service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in cases of child exposure to family violence, domestic violence, or dating violence and in cases in which--

"(A) family violence, domestic violence, or dating violence is present; and

"(B) child abuse is present;

"(7) providing information to the public about prevention of family violence, domestic violence, and dating violence, including information targeted to underserved populations; and

"(8) collaborating with Indian tribes and tribal organizations (and corresponding Native Hawaiian groups or communities) to address the needs of Indian (including Alaska Native) and Native Hawaiian victims of family violence, domestic violence, or dating violence, as applicable in the State.

"(e) Limitation on Use of Funds.--A coalition that receives a grant under this section shall not be required to use funds received under this title for the purposes described in paragraph (5) or (6) of subsection (d) if the coalition provides an annual assurance to the Secretary that the coalition is--

"(1) using funds received under section 2001(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(1)) for such purposes; and

"(2) coordinating the activities carried out by the coalition under subsection (d) with the State's activities under part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) that address those purposes.

"(f) Prohibition on Lobbying.--No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication--

"(1) when formally requested to do so by a legislative body, a committee, or a member of the body or committee; or

"(2) in connection with legislation or appropriations directly affecting the activities of the entity.

"(g) Reports and Evaluation.--Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

"(h) Indian Representatives.--For purposes of this section, a State Domestic Violence Coalition may include representatives of Indian tribes and tribal organizations.

"Sec. 312. SPECIALIZED SERVICES FOR ABUSED PARENTS AND THEIR CHILDREN.

"(a) In General.--

111 P.L. 320, *; 124 Stat. 3459;
2010 Enacted S. 3817; 111 Enacted S. 3817

"(1) Program.-- The Secretary shall establish a grant program to expand the capacity of family violence, domestic violence, and dating violence service programs and community-based programs to prevent future domestic violence by addressing, in an appropriate manner, the needs of children exposed to family violence, domestic violence, or dating violence.

"(2) Grants.-- The Secretary may make grants to eligible entities through the program established under paragraph (1) for periods of not more than 2 years. If the Secretary determines that an entity has received such a grant and been successful in meeting the objectives of the grant application submitted under subsection (c), the Secretary may renew the grant for 1 additional period of not more than 2 years.

"(b) Eligible Entities.--To be eligible to receive a grant under this section, an entity shall be a local agency, a non-profit private organization (including faith-based and charitable organizations, community-based organizations, and voluntary associations), or a tribal organization, with a demonstrated record of serving victims of family violence, domestic violence, or dating violence and their children.

"(c) Application.--An entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including--

"(1) a description of how the entity will prioritize the safety of, and confidentiality of information about--

"(A) victims of family violence, victims of domestic violence, and victims of dating violence; and

"(B) children of victims described in subparagraph (A);

"(2) a description of how the entity will provide developmentally appropriate and age-appropriate services, and culturally and linguistically appropriate services, to the victims and children; and

"(3) a description of how the entity will ensure that professionals working with the children receive the training and technical assistance appropriate and relevant to the unique needs of children exposed to family violence, domestic violence, or dating violence.

"(d) Use of Funds.--An entity that receives a grant under this section for a family violence, domestic violence, and dating violence service or community-based program described in subsection (a)--

"(1) shall use the funds made available through the grant--

"(A) to provide direct counseling, appropriate services consistent with subsection (c)(2), or advocacy on behalf of victims of family violence, domestic violence, or dating violence and their children, including coordinating services with services provided by the child welfare system;

"(B) to provide services for nonabusing parents to support those parents' roles as caregivers and their roles in responding to the social, emotional, and developmental needs of their children; and

"(C) where appropriate, to provide the services described in this subsection while working with such a non-abusing parent and child together; and

"(2) may use the funds made available through the grant--

"(A) to provide early childhood development and mental health services;

"(B) to coordinate activities with and provide technical assistance to community-based organizations serving victims of family violence, domestic violence, or dating violence or children exposed to family violence, domestic violence, or dating violence; and

"(C) to provide additional services and referrals to services for children, including child care, transportation, educational support, respite care, supervised visitation, or other necessary services.

"(e) Reports and Evaluation.--Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

"Sec. 313. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

111 P.L. 320, *; 124 Stat. 3459;
2010 Enacted S. 3817; 111 Enacted S. 3817

"(a) In General.--The Secretary shall award a grant to 1 or more private entities to provide for the ongoing operation of a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization. The Secretary shall give priority to applicants with experience in operating a hotline that provides assistance to adult and youth victims of family violence, domestic violence, or dating violence.

"(b) Term.--The Secretary shall award a grant under this section for a period of not more than 5 years.

"(c) Conditions on Payment.--The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

"(d) Application.--To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary that shall--

"(1) contain such agreements, assurances, and information, be in such form, and be submitted in such manner, as the Secretary shall prescribe;

"(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of--

"(A) the training program for hotline personnel, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline;

"(B) the hiring criteria and qualifications for hotline personnel;

"(C) the methods for the creation, maintenance, and updating of a resource database;

"(D) a plan for publicizing the availability of the hotline;

"(E) a plan for providing service to non-English speaking callers, including service through hotline personnel who have non-English language capability;

"(F) a plan for facilitating access to the hotline by persons with hearing impairments; and

"(G) a plan for providing assistance and referrals to youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

"(3) demonstrate that the applicant has recognized expertise in the area of family violence, domestic violence, or dating violence and a record of high quality service to victims of family violence, domestic violence, or dating violence, including a demonstration of support from advocacy groups and State Domestic Violence Coalitions;

"(4) demonstrate that the applicant has the capacity and the expertise to maintain a domestic violence hotline and a comprehensive database of service providers;

"(5) demonstrate the ability to provide information and referrals for callers, directly connect callers to service providers, and employ crisis interventions meeting the standards of family violence, domestic violence, and dating violence providers;

"(6) demonstrate that the applicant has a commitment to diversity and to the provision of services to underserved populations, including to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;

"(7) demonstrate that the applicant complies with nondisclosure requirements as described in section 306(c)(5) and follows comprehensive quality assurance practices; and

"(8) contain such other information as the Secretary may require.

"(e) Hotline Activities.--

"(1) In general.-- An entity that receives a grant under this section for activities described, in whole or in part, in subsection (a) shall use funds made available through the grant to establish and operate a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, and other individuals described in subsection (a).

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"(2) Activities.-- In establishing and operating the hotline, the entity--

"(A) shall contract with a carrier for the use of a toll-free telephone line;

"(B) shall employ, train (including providing technology training), and supervise personnel to answer incoming calls, provide counseling and referral services for callers on a 24-hour-a-day basis, and directly connect callers to service providers;

"(C) shall assemble and maintain a database of information relating to services for adult and youth victims of family violence, domestic violence, or dating violence to which callers may be referred throughout the United States, including information on the availability of shelters and supportive services for victims of family violence, domestic violence, or dating violence;

"(D) shall widely publicize the hotline throughout the United States, including to potential users;

"(E) shall provide assistance and referrals to meet the needs of underserved populations and individuals with disabilities;

"(F) shall provide assistance and referrals for youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

"(G) may provide appropriate assistance and referrals for family and household members of victims of family violence, domestic violence, or dating violence, and persons affected by the victimization described in subsection (a); and

"(H) at the discretion of the hotline operator, may provide assistance, or referrals for counseling or intervention, for identified adult and youth perpetrators, including self-identified perpetrators, of family violence, domestic violence, or dating violence, but shall not be required to provide such assistance or referrals in any circumstance in which the hotline operator fears the safety of a victim may be impacted by an abuser or suspected abuser.

"(f) Reports and Evaluation.--The entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

"Sec. 314. DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES (DELTA).

"(a) In General.--The Secretary shall enter into cooperative agreements with State Domestic Violence Coalitions for the purposes of establishing, operating, and maintaining local community projects to prevent family violence, domestic violence, and dating violence, including violence committed by and against youth, using a coordinated community response model and through prevention and education programs.

"(b) Term.--The Secretary shall enter into a cooperative agreement under this section for a period of not more than 5 fiscal years.

"(c) Conditions on Payment.--The provision of payments under a cooperative agreement under this section shall be subject to--

"(1) annual approval by the Secretary; and

"(2) the availability of appropriations for each fiscal year to make the payments.

"(d) Eligibility.--To be eligible to enter into a cooperative agreement under this section, an organization shall--

"(1) be a State Domestic Violence Coalition; and

"(2) include representatives of pertinent sectors of the local community, which may include--

"(A) health care providers and State or local health departments;

"(B) the education community;

"(C) the faith-based community;

"(D) the criminal justice system;

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"(E) family violence, domestic violence, and dating violence service program advocates;

"(F) human service entities such as State child services divisions;

"(G) business and civic leaders; and

"(H) other pertinent sectors.

"(e) Applications.--An organization that desires to enter into a cooperative agreement under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall require, that--

"(1) demonstrates the capacity of the applicant, who may enter into a partnership with a local family violence, domestic violence, or dating violence service provider or community-based organization, to undertake the project involved;

"(2) demonstrates that the project will include a coordinated community response to improve and expand prevention strategies through increased communication and coordination among all affected sectors of the local community;

"(3) includes a complete description of the applicant's plan for the establishment and implementation of the coordinated community response, including a description of--

"(A) the method to be used for identification and selection of an administrative committee made up of persons knowledgeable about comprehensive family violence, domestic violence, and dating violence prevention planning to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

"(B) the method to be used for identification and selection of project staff and a project evaluator;

"(C) the method to be used for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (d)(2); and

"(D) the method to be used for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council, each of which will focus on 1 of the sectors;

"(4) demonstrates that the applicant has experience in providing, or the capacity to provide, prevention-focused training and technical assistance;

"(5) demonstrates that the applicant has the capacity to carry out collaborative community initiatives to prevent family violence, domestic violence, and dating violence; and

"(6) contains such other information, agreements, and assurances as the Secretary may require.

"(f) Geographical Dispersion.--The Secretary shall enter into cooperative agreements under this section with organizations in States geographically dispersed throughout the Nation.

"(g) Use of Funds.--

"(1) In general.-- An organization that enters into a cooperative agreement under subsection (a) shall use the funds made available through the agreement to establish, operate, and maintain comprehensive family violence, domestic violence, and dating violence prevention programming.

"(2) Technical assistance, evaluation and monitoring.-- The Secretary may use a portion of the funds provided under this section to--

"(A) provide technical assistance;

"(B) monitor the performance of organizations carrying out activities under the cooperative agreements; and

"(C) conduct an independent evaluation of the program carried out under this section.

"(3) Requirements.-- In establishing and operating a project under this section, an eligible organization shall--

"(A) establish protocols to improve and expand family violence, domestic violence, and dating violence prevention and intervention strategies within affected community sectors described in subsection (d)(2);

"(B) develop comprehensive prevention plans to coordinate prevention efforts with other community sectors;

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"(C) provide for periodic evaluation of the project, and analysis to assist in replication of the prevention strategies used in the project in other communities, and submit a report under subsection (h) that contains the evaluation and analysis;

"(D) develop, replicate, or conduct comprehensive, evidence-informed primary prevention programs that reduce risk factors and promote protective factors that reduce the likelihood of family violence, domestic violence, and dating violence, which may include--

"(i) educational workshops and seminars;

"(ii) training programs for professionals;

"(iii) the preparation of informational material;

"(iv) developmentally appropriate education programs;

"(v) other efforts to increase awareness of the facts about, or to help prevent, family violence, domestic violence, and dating violence; and

"(vi) the dissemination of information about the results of programs conducted under this subparagraph;

"(E) utilize evidence-informed prevention program planning; and

"(F) recognize, in applicable cases, the needs of underserved populations, racial and linguistic populations, and individuals with disabilities.

"(h) Reports and Evaluation.--Each organization entering into a cooperative agreement under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe activities that have been carried out with the funds made available through the agreement, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require. The Secretary shall make the evaluations received under this subsection publicly available on the Department of Health and Human Services website. The reports shall also be submitted to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate."

[*202] Sec. 202. AMENDMENTS TO OTHER LAWS.

(a) Title 11, United States Code.--Section 707(b)(2)(A)(ii)(I) of title 11, United States Code, is amended in the 4th sentence by striking "section 309 of the Family Violence Prevention and Services Act" and inserting "section 302 of the Family Violence Prevention and Services Act".

(b) Individuals With Disabilities Education Act.--Section 635(c)(2)(G) of the Individuals with Disabilities Education Act (20 U.S.C. 1435(c)(2)(G)) is amended by striking "section 320 of the Family Violence Prevention and Services Act" and inserting "section 302 of the Family Violence Prevention and Services Act".

(c) Omnibus Crime Control and Safe Streets Act of 1968.--Section 2001(c)(2)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(2)(A)) is amended by striking "through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.)" and inserting "under section 311 of the Family Violence Prevention and Services Act".

(d) Violence Against Women Act of 1994.--Section 40002(a)(26) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(26)) is amended by striking "under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b))" and inserting "under sections 302 and 311 of the Family Violence Prevention and Services Act".

(e) Violent Crime Control and Law Enforcement Act of 1994.--The portion of section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) that pertains to the definition of the term "prevention program" is amended--

(1) in paragraph (20), by striking "section 40211" and inserting "section 313 of the Family Violence Prevention and Services Act (relating to a hotline)";

(2) in paragraph (22), by striking "section 40241" and inserting "sections 301 through 312 of the Family Violence Prevention and Services Act"; and

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(3) in paragraph (24), by striking "section 40261" and inserting "section 314 of the Family Violence Prevention and Services Act (relating to community projects to prevent family violence, domestic violence, and dating violence)".

TITLE III--CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

[*301] Sec. 301. CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM.

(a) Findings.--Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended--

(1) by striking subsection (a) and inserting the following:

"(a) Findings.--Congress finds that--

"(1) on the last day of fiscal year 2009, some 424,000 children were living in temporary foster family homes or other foster care settings;

"(2) most children in foster care are victims of child abuse or neglect by their biological parents and their entry into foster care brought them the additional trauma of separation from their homes and often their communities;

"(3) on average, children entering foster care have more physical and mental health needs than do children in the general population, and some require intensive services because the children entering foster care--

"(A) were born to mothers who did not receive prenatal care;

"(B) were born with life-threatening conditions or disabilities;

"(C) were born addicted to alcohol or other drugs; or

"(D) have HIV/AIDS;

"(4) each year, thousands of children in foster care, regardless of their age, the size of the sibling group they are a part of, their racial or ethnic status, their medical condition, or any physical, mental or emotional disability they may have, are in need of placement with permanent, loving, adoptive families;

"(5)(A) States have made important strides in increasing the number of children who are placed in permanent homes with adoptive parents and in reducing the length of time children wait for such a placement; and

"(B) many thousands of children, however, still remain in institutions or foster homes solely because of legal and other barriers to such a placement;

"(6)(A) on the last day of fiscal year 2009, there were 115,000 children waiting for adoption;

"(B) children waiting for adoption have had parental rights of all living parents terminated or the children have a permanency goal of adoption;"(C)

(i) the average age of children adopted with public child welfare agency involvement during fiscal year 2009 was a little more than 6 years; and

"(ii) the average age of children waiting for adoption on the last day of that fiscal year was a little more than 8 years of age and more than 30,000 of those children were 12 years of age or older; and"(D)

(i) 25 percent of the children adopted with public child welfare agency involvement during fiscal year 2009 were African-American; and

"(ii) 30 percent of the children waiting for adoption on the last day of fiscal year 2009 were African-American;

"(7) adoption may be the best alternative for assuring the healthy development of children placed in foster care;

"(8) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement and adoption; and

"(9) in order both to enhance the stability of and love in the home environments of such children and to avoid wasteful expenditures of public funds, such children--

"(A) should not have medically indicated treatment withheld from them; or

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"(B) be maintained in foster care or institutions when adoption is appropriate and families can be found for such children."; and

(2) in subsection (b)--

(A) in the matter preceding paragraph (1), by inserting "older children, minority children, and" after "particularly"; and

(B) by striking paragraph (2) and inserting the following:

"(2) maintain an Internet-based national adoption information exchange system to--

"(A) bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children;

"(B) conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

"(C) connect placement agencies, prospective adoptive parents, and adoptive parents to resources designed to reduce barriers to adoption, support adoptive families, and ensure permanency; and".

(b) Information and Services.--Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended--

(1) in subsection (a), by striking all that follows "facilitate the adoption of" and inserting "older children, minority children, and children with special needs, particularly infants and toddlers with disabilities who have life-threatening conditions, and services to families considering adoption of children with special needs.";

(2) in subsection (b)--

(A) in paragraph (1)--

(i) by striking "and" after "regarding adoption" and inserting a comma; and

(ii) by inserting ", and post-legal adoption services" after "adoption assistance programs";

(B) in paragraph (2), by inserting ", including efforts to promote the adoption of older children, minority children, and children with special needs" after "national level";

(C) in paragraph (7)--

(i) by striking "study the efficacy of States contracting with" and inserting "increase the effective use of";

(ii) by striking the comma after "organizations)" and inserting "by States,";

(iii) by inserting a comma after "institutions"; and

(iv) by inserting ", including assisting in efforts to work with organizations that promote the placement of older children, minority children, and children with special needs" after "children for adoption";

(D) in paragraph (9)--

(i) in subparagraph (B), by striking "and" at the end;

(ii) in subparagraph (C), by adding "and" after the semicolon at the end; and

(iii) by adding at the end the following:

"(D) identify best practices to reduce adoption disruption and termination;"; and

(E) in paragraph (10)--

(i) in the matter preceding subparagraph (A), by inserting "tribal child welfare agencies," after "local government entities,"; and

(ii) in subparagraph (A)--

(I) in clause (ii), by inserting ", including developing and using procedures to notify family and relatives when a child enters the child welfare system" before the semicolon at the end;

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(II) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively; and

(III) by inserting after clause (vi) the following:

"(vii) education and training of prospective adoptive or adoptive parents;"; and

(3) in subsection (d)--

(A) in paragraph (1), by striking the second sentence and all that follows; and

(B) in paragraph (2)--

(i) in subparagraph (A)--

(I) in the second sentence, by inserting ", consistent with the purpose of this title" after "by the Secretary";

and

(II) by striking the third sentence and inserting the following: "Each application shall contain information

that--

"(i) describes how the State plans to improve the placement rate of children in permanent homes;

"(ii) describes the methods the State, prior to submitting the application, has used to improve the placement of older children, minority children, and children with special needs, who are legally free for adoption;

"(iii) describes the evaluation the State plans to conduct, to identify the effectiveness of programs and methods of placement under this subsection, and submit to the Secretary; and

"(iv) describes how the State plans to coordinate activities under this subsection with relevant activities under section 473 of the Social Security Act (42 U.S.C. 673).";

(ii) in subparagraph (B)(i), by inserting "older children, minority children, and" after "successful placement of"; and

(iii) by adding at the end the following:

"(C) Evaluation.--The Secretary shall compile the results of evaluations submitted by States (described in subparagraph (A)(iii)) and submit a report containing the compiled results to the appropriate committees of Congress.".

(c) Authorization of Appropriations.--Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended--

(1) in subsection (a)--

(A) by striking "2004" and inserting "2010"; and

(B) by striking "2005 through 2008" and inserting "2011 through 2015";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) Not less than 30 percent and not more than 50 percent of the funds appropriated under subsection (a) shall be allocated for activities under subsections (b)(10) and (c) of section 203.".

TITLE IV--ABANDONED INFANTS ASSISTANCE ACT OF 1988

[*401] Sec. 401. ABANDONED INFANTS ASSISTANCE.

(a) Findings.--Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa) is amended--

(1) in paragraph (4), by striking "including those" and all that follows through "'AIDS'" and inserting "including those with HIV/AIDS"; and

(2) in paragraph (5), by striking "acquired immune deficiency syndrome" and inserting "HIV/AIDS".

(b) Repeal.--Title II of the Abandoned Infants Assistance Act of 1988 (Public Law 100-505; 102 Stat. 2536) is repealed.

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2010 Enacted S. 3817; 111 Enacted S. 3817

(c) Definitions.--Section 301 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa-21) is amended--

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(d) Authorization of Appropriations.--Section 302 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa-22) is amended--

(1) in subsection (a)(1)--

(A) by striking "2004" and inserting "2010"; and

(B) by striking "2005 through 2008" and inserting "2011 through 2015"; and

(2) in subsection (b)(2), by striking "fiscal year 2003" and inserting "fiscal year 2010".

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.