42 USC 5102 note.
Waiver.
Ante, p. 1753.
Ante, p. 1752.

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TREATMENT OF SPECIFIC CONDITIONS

Sec. 128. (a) Except as provided in subsection (b), the provisions of this part or any amendment made by this part shall be effective on the date of the enactment of this Act.
(b)(1) Except as provided in paragraph (2), the amendments made by sections 122 and 123(b) of this Act shall become effective one year after the date of such enactment.
(2) In the event that, prior to such effective date, funds have not been appropriated pursuant to section 5 of the Act (as amended by section 104 of this Act) for the purpose of grants under section 4(c)(1) of the Act (as added by section 123(a) of this Act), any State which has not met any requirement of section 4(b)(2)(K) of the Act (as added by section 122(3) of this Act) may be granted a waiver of such requirements for a period of not more than one year, if the Secretary finds that such State is making a good-faith effort to comply with such requirements.

TITLE II—AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

FINDINGS AND DECLARATION OF PURPOSE

Sec. 201. (a) The first sentence of section 201 of the Child Abuse Prevention and Treatment Reform Act of 1978 (42 U.S.C. 5111) (hereinafter in this title referred to as “the Act”) is amended—
(1) by inserting “the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and that some such children are in need of placement in permanent, adoptive homes; that” after “finds that”; and
(2) by inserting “have medically indicated treatment withheld from them, nor” after “should not”.
(b) The second sentence of section 201 of the Act is amended—
(1) by inserting a comma and “including disabled infants with life-threatening conditions,” after “special needs”; and
(2) by amending clause (2) to read as follows:
“(2) providing a mechanism for the Department of Health and Human Services to—
(A) promote quality standards for adoption services, pre-placement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;
(B) coordinate with other Federal departments and agencies, including the Bureau of the Census, to provide for a national adoption and foster care information data-gathering and analysis system; and
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"(C) maintain a national adoption exchange to bring together children who would benefit by adoption and qualified prospective adoptive parents who are seeking such children."

MODEL ADOPTION LEGISLATION AND PROCEDURES

Sec. 202. (a) Section 202(a) of the Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(b) Section 202(c) of the Act is amended by inserting at the end thereof the following new sentence: "The Secretary shall coordinate efforts to improve State legislation with national, State, and local child and family services organizations, including organizations representing minority and adoptive families."

(c) Section 202 of the Act is further amended by inserting at the end thereof the following new subsection: "(d) The Secretary shall review all model adoption legislation and procedures published under this section and propose such changes as are considered appropriate to facilitate adoption opportunities for development of children with life-threatening conditions."

INFORMATION AND SERVICES

Sec. 203. (a) Section 203(a) of the Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(b) Section 203(a) of the Act is further amended by inserting before the period at the end thereof a comma and "including services to facilitate the adoption of children with special needs and particularly of disabled infants with life-threatening conditions and services to couples considering adoption of children with special needs".

(c) Section 203(b) of the Act is amended by striking out in the matter preceding clause (1) "subsection (a) of this section" and inserting in lieu thereof "this title".

(2) Section 203(b)(1) of the Act is amended to read as follows: "(1) provide (after consultation with other appropriate Federal departments and agencies, including the Bureau of the Census and appropriate State and local agencies) for the establishment of a Federal adoption and foster care data-gathering and analysis system;"

(3) Section 203(b) of the Act is further amended—

(A) by striking out "parent groups" in clause (4) and inserting in lieu thereof "adoptive family groups and minority groups";

(B) by striking out "and" at the beginning of clause (4);

(C) by redesignating clause (6) as clause (7) and by inserting immediately after clause (4) the following new clauses:

"(5) encourage involvement of corporations and small businesses in supporting adoption as a positive family-strengthening option, including the establishment of adoption benefit programs for adoption education for workers who adopt children;

"(6) continue to study the nature, scope, and effects of the placement of children in adoptive homes (not including the homes of stepparents or relatives of the child in question) by persons or agencies which are not licensed by or subject to regulation by any governmental entity; and"; and
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ADDITION AND PROCEDURES

The Act is amended by striking out "and inserting in lieu thereof "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services" in clause (7) as redesignated by clause (C) of this paragraph.

AUTHORIZATION OF APPROPRIATIONS

Sec. 204. Section 205 of the Act is amended by striking out "and" after "1978," and by inserting a comma and "and $5,000,000 for each of the fiscal years 1984, 1985, 1986, and 1987," after "fiscal years".

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

SHORT TITLE

Sec. 301. This title may be cited as the "Family Violence Prevention and Services Act".

DECLARATION OF PURPOSE

Sec. 302. It is the purpose of this title to—

(1) demonstrate the effectiveness of assisting States in efforts to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents; and

(2) provide for technical assistance and training relating to family violence programs to States, local public agencies (including law enforcement agencies), nonprofit private organizations, and other persons seeking such assistance.

STATE DEMONSTRATION GRANTS AUTHORIZED

Sec. 303. (a)(1) In order to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents, the Secretary is authorized, in accordance with the provisions of this title, to make demonstration grants to States.

(2) No demonstration grant may be made under this subsection unless the chief executive officer of the State seeking such grant submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(A) provide that funds provided under this subsection will be distributed in demonstration grants to local public agencies and nonprofit private organizations (including religious and charitable organizations, and voluntary associations) for programs and projects within such State to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents in order to prevent future violent incidents;

(B) provide, with respect to funds provided to a State under this subsection for any fiscal year, that—

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

(ii) in the distribution of funds by the State under this subsection, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by nonprofit private organizations, par-
particularly those projects the primary purpose of which is to
operate shelters for victims of family violence and their
dependents, and those which provide counseling, alcohol
and drug abuse treatment, and self-help services to abusers
and victims;
(C) set forth procedures designed to involve knowledgeable
individuals and interested organizations and assure an equi-
table distribution of grants and grant funds within the State
and between urban and rural areas within such State;
(D) specify the State agency to be designated as responsible
for the administration of programs and activities relating to
family violence which are carried out by the State under this
title and for coordination of related programs within the State;
(E) provide assurances that procedures will be developed to
assure the confidentiality of records pertaining to any individ-
ual provided family violence prevention or treatment services
by any program assisted under this title and provide assurances
that the address or location of any shelter-facility assisted under
this title will, except with written authorization of the person or
persons responsible for the operation of such shelter, not be
made public;
(F) provide assurances that, within one year after receipt of
funds under this subsection, the State will, provide assurances
to the Secretary that the State has or has under consideration a
procedure for the eviction of an abusing spouse from a shared
residence; and
(G) meet such requirements as the Secretary reasonably de-
termines are necessary to carry out the purposes and provisions
of this title.
(3) The Secretary shall approve any application that meets the
requirements of this subsection, and the Secretary shall not disap-
prove any such application except after reasonable notice of the
Secretary’s intention to disapprove and after opportunity for correc-
tion of any deficiencies.

(b) The Secretary is authorized to make demonstration grants to
Indian tribes and tribal organizations for projects designed to pre-
vent family violence and to provide immediate shelter and related
assistance for victims of family violence and their dependents.
(2) No demonstration grant may be made under this subsection
unless an application is made to the Secretary at such time, in such
manner, and containing or accompanied by such information as the
Secretary deems essential to carry out the purposes and provisions
of this title. Such application shall comply, as applicable, with the
provisions of clauses (C) (with respect only to involving knowledge-
able individuals and organizations), (D), and (E) of subsection (a)(2).
(c) No demonstration grant may be made under this section in any
fiscal year to any single entity (other than to a State) for an amount
in excess of $50,000, and the total amount of such grants to any such
single entity may not exceed $150,000. A single entity may not be
awarded demonstration grants under this section for a total period
in excess of three fiscal years.
(d) No funds provided through demonstration grants made under
this section may be used as direct payment to any victim of family
violence or to any dependent of such victim.
(e) No income eligibility standard may be imposed upon individ-
uals with respect to eligibility for assistance or services supported
with funds appropriated to carry out this title.
(f) No demonstration grant may be made under this section to any entity other than a State unless the entity provides for the following local share as a proportion of the total amount of funds provided under this title to the project involved: 35 percent in the first year such project receives a grant under this title, 55 percent in the second such year, and 65 percent in the third such year. Except in the case of a public entity, not less than 50 percent of the local share of such agency or organization shall be raised from private sources. The local share required under this subsection may be in cash or in-kind. The local share may not include any Federal funds provided under any authority other than this title.

(g) The Secretary shall assure that not less than 60 percent of the funds distributed under subsection (a) or (b) shall be distributed to entities for the purpose of providing immediate shelter and related assistance to victims of family violence and their dependents.

ALLOTTMENT OF FUNDS

SEC. 304. (a) From the sums appropriated under section 310 for grants to States for any fiscal year, each State shall be allotted for payment in a grant authorized under section 303(a) an amount which bears the same ratio to such sums as the population of such State bears to the population of all States, except that—

(1) each State shall be allotted not less than whichever is the greater of the following amounts: one-half of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made, or $50,000; and

(2) Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-eighth of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made.

For the purpose of the exception contained in clause (1) of the preceding sentence only, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(b) 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) If the sums appropriated under section 310 for any fiscal year for grants to States authorized under section 303(a) are not sufficient to pay in full the total amounts which all States are entitled to receive under such section for such fiscal year, then the maximum amounts which all States are entitled to receive under such section 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)(1) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 310, the amount allotted to a State has not been made available to such State in grants under section 303(a) because of the failure of such State to meet the
requirements for a grant, then the Secretary shall reallocate such amount to States which meet such requirements.

(2) Funds made available by the Secretary through reallocation under paragraph (1) shall remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallocation.

SECRETARIAL RESPONSIBILITIES

42 USC 10404. Sec. 305. (a) The Secretary shall appoint an employee of the Department of Health and Human Services to carry out the provisions of this title. The individual appointed under this subsection shall, prior to such appointment, have had expertise in the field of family violence prevention and services.

(b) The Secretary shall—

(1) coordinate all programs within the Department of Health and Human Services, and seek to coordinate all other Federal programs, which involve the prevention of incidents of family violence and the provision of assistance for victims and potential victims of family violence and their dependents, and ensure that such activities as they relate to elderly persons are coordinated with the Administration on Aging and the National Institute on Aging within the Department of Health and Human Services;

(2)(A) provide for research into the causes of family violence, and into the prevention, identification, and treatment thereof (such as research into (i) the effectiveness of reducing repeated incidents of family violence through a variety of sentencing alternatives, such as incarceration, fines, and counseling programs, individually or in combination, and through the use of civil protection orders removing the abuser from the family household, and (ii) the necessity and impact of a mandatory reporting requirement relating to incidents of family violence, particularly abuse of elderly persons), and (B) make a complete study and investigation (in consultation with the National Institute on Aging) of the national incidence of abuse, neglect, and exploitation of elderly persons, including a determination of the extent to which incidents of such abuse, neglect, and exploitation are increasing in number or severity; and

(3) provide for the training of personnel and provide technical assistance in the conduct of programs for the prevention and treatment of family violence.

EVALUATION

Sec. 306. Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, the Secretary shall review, evaluate, and report to the appropriate Committees of the Congress, as to the effectiveness of the programs administered and operated pursuant to this title, particularly in relation to repeated incidents of family violence. Such report shall also include a summary of the assurances provided to the Secretary under section 303(a)(2)(F).
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DISCRIMINATION PROHIBITED

Sec. 307. (a)(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this part are considered to be programs and activities receiving Federal financial assistance.

(2) 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 operation of that particular program or activity. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This paragraph shall not be construed as affecting any other legal remedy.

(b) Whenever the Secretary finds that a State or other entity that has received financial assistance under this title has failed to comply with a provision of law referred to in subsection (a)(1), with subsection (a)(2), or with an applicable regulation (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request such officer to secure compliance. If, within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted,

(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, sections 504 and 505 of the Rehabilitation Act of 1973, or title IX of the Education Amendments of 1972, as may be applicable, or

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

(c) When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2), 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.

NATIONAL CLEARINGHOUSE ON FAMILY VIOLENCE PREVENTION

Sec. 308. (a) The Secretary shall operate a national information and research clearinghouse on the prevention of family violence (including the abuse of elderly persons) in order to—

(1) collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and
prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance to victims of family violence and their dependents; and

(2) provide information about alternative sources of assistance available with respect to the prevention of incidents of family violence and the provision of immediate shelter and related assistance to victims of family violence and their dependents.

(b) The Secretary shall ensure that the activities of the national information and research clearinghouse operated under subsection (a) are coordinated with the information clearinghouse maintained by the National Center on Child Abuse and Neglect under section 2 of the Child Abuse Prevention and Treatment Act.

42 USC 5101.

DEFINITIONS

42 USC 10408. Sec. 309. As used in this title:

(1) The term "family violence" means any act or threatened act of violence, including any forceful detention of an individual, which—

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

(B) is committed by a person against another individual (including an elderly person) to whom such person is or was related by blood or marriage or otherwise legally related or with whom such person is or was lawfully residing.

(2) The terms "Indian tribe" and "tribal organization" have the same meanings given such terms in subsections (b) and (c), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act.

(3) The terms "Secretary" means the Secretary of Health and Human Services.

(4) The terms "shelter" means the provision of temporary refuge and related assistance in compliance with applicable State law and regulation governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence and their dependents.

(5) The term "related assistance"—

(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

(B) may include food, clothing, child care, transportation, and emergency services (but not reimbursement for any health-care services) for victims of family violence and their dependents.

(6) 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 Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.
AUTHORIZATION OF APPROPRIATIONS

SEC. 310. (a) There are authorized to be appropriated to carry out the provisions of this title $11,000,000 for fiscal year 1985 and $26,000,000 for each of the fiscal years 1986 and 1987.
(b) Of the sums appropriated under subsection (a) for any fiscal year, not less than 55 percent shall be used by the Secretary for making grants under section 303.

LAW ENFORCEMENT TRAINING AND TECHNICAL ASSISTANCE GRANTS AND CONTRACTS

SEC. 311. (a) From the amount appropriated pursuant to section 310 for any fiscal year, the Secretary shall make grants and enter into contracts for the purpose of providing regionally-based training and technical assistance to provide the personnel of local and State law enforcement agencies with means for responding to incidents of family violence.
(b) Grants and contracts under this section shall be awarded competitively on the basis of an application containing such information and assurances as the Secretary may require by regulation. In selecting grant and contract recipients, the Secretary shall select recipients who have demonstrated their effectiveness in preparing the personnel of local and State law enforcement agencies for the handling of incidents of family violence and shall give priority to those applications which propose projects or programs which will develop, demonstrate, or disseminate information with respect to improved techniques for responding to incidents of family violence by law enforcement officers.
(c) The Secretary shall delegate to the Attorney General of the United States the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General from funds appropriated under section 310 not in excess of $2,000,000 for each fiscal year to be used for the purpose of making grants under this section.

ADMINISTRATION AND STATUTORY CONSTRUCTION

SEC. 312. (a) 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 public and nonprofit private entities or enter into contracts with public or private entities; and
(4) prescribe such regulations as are reasonably necessary in order to carry out the purposes and the personnel of local and State law enforcement agencies with means for responding to incidents of family violence.
(b) Grants and contracts under this section shall be awarded competitively on the basis of an application containing such information and assurances as the Secretary may require by regulation. In selecting grant and contract recipients, the Secretary shall select recipients who have demonstrated their effectiveness in preparing the personnel of local and State law enforcement agencies for the handling of incidents of family violence and shall give priority to
those applications which propose projects or programs which will
develop, demonstrate, or disseminate information with respect to
improved techniques for responding to incidents of family violence
by law enforcement officers.

(c) The Secretary shall delegate to the Attorney General of the
United States the Secretary's responsibilities for carrying out this
section and shall transfer to the Attorney General from funds
appropriated under section 310 not in excess of $2,000,000 for each
fiscal year to be used for the purpose of making grants under this
section.

ADMINISTRATION AND STATUTORY CONSTRUCTION

42 USC 10412.

Sec. 312. (a) 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 public and nonprofit private entities or
enter into contracts with public or private entities; and

(4) prescribe such regulations as are reasonably necessary in
order to carry out the purposes and provisions of this title.

(b) Nothing in this title shall be construed to supersede the
application of State or local requirements for the reporting of
incidents of suspected child abuse to the appropriate State authori-
ties.

Approved October 9, 1984.

LEGISLATIVE HISTORY—H.R. 1904 (S. 1003):

HOUSE REPORTS: No. 98-159 (Comm. on Education and Labor) and No. 98-1038
(Comm. on Conference).

SENATE REPORT No. 98-246 accompanying S. 1003 (Comm. on Labor and Human
Resources).


Feb. 2, considered and passed House.
July 26, considered and passed Senate, amended, in lieu of S. 1003.
Sept. 26, House agreed to conference report.
Sept. 29, Senate agreed to conference report.