

The mayors and police chiefs of 21 cities in the East Bay are backing the ordinance, hoping to send a signal to legislators.

"Maybe it won't stop smuggling or crime," Mayor Ralph Appezato said. "Symbolic? Maybe, maybe not. But we've got to try."

Alameda was among seven cities along the I-880 corridor to approve or at least study the junk gun ordinance ban in the first reading of the law this week.

Oakland and Berkeley have given the ban approval on a second reading, which is required for final passage.

#### REGION TAKES THE LEAD TO CORRAL 'JUNK GUNS'

The new push by Bay Area civic leader's to take "junk guns" out of circulation probably won't take the weapons off the streets altogether. But it is likely to have some success. And it stands as a powerful statement by those who lead our local governments: We've had enough, and we're going to work together, as a region, to solve this problem.

"We are standing together, and sending a message that no matter where you live, in what city or county, violence is there and we need to do something about it," said Berkeley Mayor Shidey Dean, chairwoman of the East Bay Public Safety Corridor Partnership.

The partnership, the largest regional approach to fighting junk guns in the nation, encompasses Fremont, Newark, Union City, Hayward, San Leandro, Alameda, Berkeley, Oakland, Piedmont, Albany, Emeryville, El Cerrito, Richmond, San Pablo and Pinole. Dean wants other cities to join.

San Francisco and Alameda County have already outlawed the weapons, and San Jose is considering a ban.

The regional approach is being taken up by Bay Area politicians who have given up on the federal and state governments. "Politicians on the state and federal level, quite frankly, are afraid of the gun lobby," said Oakland Mayor Elihu Harris.

Junk guns, also known as Saturday night specials, are, generally speaking, poorly constructed and therefore less safe. They also are less expensive to buy. More technical definitions will be refined by those who write the local ordinances banning them. Suffice it to say, junk guns are easy to get and dangerous to use. They are used by gangs and considered status symbols.

#### BAY AREA HOMICIDES

People are dropping like flies in the Bay Area because of the availability of guns. Between 1991 and 1993, six out of every eight homicides in Alameda County involved a firearm, according to the Alameda County Injury Prevention program. Homicide rates were highest for those between 20 and 24.

If this push is going to succeed, other cities are going to have to climb on board. Several are considering gun bans. We urge them to follow through.

At least one East Bay civic leader, Dublin Mayor Guy Houston, wants no part of the regional gun ban. Using rhetoric that sounds as though it were written for him by the National Rifle Association, Houston eschews a ban on murderous weapons and says tougher penalties are the solution to the gun problem. The "Three Strikes, You're Out" law is taking care of the problem, Houston says.

Tougher penalties are fine, but by themselves they have not done the job. More is needed. At least Houston didn't utter the old NRA line, "Guns don't kill people; people kill people." That's true; people do kill people—with guns. Fewer guns, fewer deaths. ●

#### AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. DODD. Mr. President, on behalf of the Democratic leader, I send to the

desk a resolution to authorize representation by the Senate counsel, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 281) to authorize representation by Senate legal counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, the plaintiff in Lockhart versus United States brought a civil action in May 1996 in Federal District Court in the Western District of Washington. The suit is against the United States and a number of legislative, executive, and judicial branch officials, including Senator LOTT and then-Senator Dole, as well as various members of President Clinton's Cabinet. The plaintiff seeks damages for a variety of injuries that he alleges the defendants inflicted upon him. The complaint's only connection with the majority leader and former Senator Dole consists of vague references to statutes that Congress has passed or repealed.

The complaint fails to establish any legitimate grievance with Senator LOTT or Senator Dole. This resolution authorizes the Senate Legal Counsel to represent these Members in this action.

Mr. DODD. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 281) was considered and agreed to as follows:

#### S. RES. 281

Whereas, in the case of *James Lockhart v. United States, et al.*, No. C95-1858Z, pending in the United States District Court for the Western District of Washington, the plaintiff has named Senator Trent Lott and former Senator Robert J. Dole as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a) (1) (1994), the Senate may direct its counsel to defend its Members in civil actions relating to their official responsibilities; Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senator Lott and former Senator Dole in the case of *James Lockhart v. United States, et al.*

#### CHILD ABUSE PREVENTION AND TREATMENT ACT AMENDMENTS OF 1995

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 149, S. 919.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 919) to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike out all after the enacting clause and inserting in lieu therefore the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Child Abuse Prevention and Treatment Act Amendments of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—GENERAL PROGRAM

Sec. 101. Reference.

Sec. 102. Findings.

Sec. 103. Office of Child Abuse and Neglect.

Sec. 104. Advisory Board on Child Abuse and Neglect.

Sec. 105. Repeal of Interagency Task Force.

Sec. 106. National Clearinghouse for Information Relating to Child Abuse.

Sec. 107. Research and assistance activities.

Sec. 108. Grants for demonstration programs.

Sec. 109. State grants for prevention and treatment programs.

Sec. 110. Repeal.

Sec. 111. Miscellaneous requirements.

Sec. 112. Definitions.

Sec. 113. Authorization of appropriations.

Sec. 114. Rule of construction.

Sec. 115. Technical amendment.

#### TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS

Sec. 201. Establishment of program.

Sec. 202. Repeals.

#### TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

Sec. 301. Reference.

Sec. 302. State demonstration grants.

Sec. 303. Allotments.

Sec. 304. Authorization of appropriations.

#### TITLE IV—ADOPTION OPPORTUNITIES

Sec. 401. Reference.

Sec. 402. Findings and purpose.

Sec. 403. Information and services.

Sec. 404. Authorization of appropriations.

#### TITLE V—ABANDONED INFANTS ASSISTANCE ACT OF 1986

Sec. 501. Reauthorization.

#### TITLE VI—REAUTHORIZATION OF VARIOUS PROGRAMS

Sec. 601. Missing Children's Assistance Act.

Sec. 602. Victims of Child Abuse Act of 1990.

#### TITLE I—GENERAL PROGRAM

##### SEC. 101. REFERENCE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.).

##### SEC. 102. FINDINGS.

Section 2 (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), the read as follows:

"(1) each year, close to 1,000,000 American children are victims of abuse and neglect;"

(2) in paragraph (3)(C), by inserting "assessment," after "prevention,";

(3) in paragraph (4)—

(A) by striking "tens of"; and

(B) by striking "direct" and all that follows through the semicolon and inserting "tangible

expenditures, as well as significant intangible costs;"

(4) in paragraph (7), by striking "remedy the causes of" and inserting "prevent";

(5) in paragraph (8), by inserting "safety," after "fosters the health,";

(6) in paragraph (10)—

(A) by striking "ensure that every community in the United States has" and inserting "assist States and communities with"; and

(B) by inserting "and family" after "comprehensive child"; and

(7) in paragraph (11)—

(A) by striking "child protection" each place that such appears and inserting "child and family protection"; and

(B) in subparagraph (D), by striking "sufficient".

**SEC. 103. OFFICE OF CHILD ABUSE AND NEGLECT.**

Section 101 (42 U.S.C.5101) is amended to read as follows:

**"SEC. 101. OFFICE OF CHILD ABUSE AND NEGLECT.**

"(a) ESTABLISHMENT.—The Secretary of Health and Human Services may establish an office to be known as the Office on Child Abuse and Neglect.

"(b) PURPOSE.—The purpose of the Office established under subsection (a) shall be to execute and coordinate the functions and activities of this Act. In the event that such functions and activities are performed by another entity or entities within the Department of Health and Human Services, the Secretary shall ensure that such functions and activities are executed with the necessary expertise and in a fully coordinated manner involving regular intradepartmental and interdepartmental consultation with all agencies involved in child abuse and neglect activities."

**SEC. 104. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.**

Section 102 (42 U.S.C.5102) is amended to read as follows:

**"SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.**

"(a) APPOINTMENT.—The Secretary may appoint an advisory board to make recommendations to the Secretary and to the appropriate committees of Congress concerning specific issues relating to child abuse and neglect.

"(b) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the advisory board under subsection (a).

"(c) COMPOSITION.—In establishing the board under subsection (a), the Secretary shall appoint members from the general public who are individuals knowledgeable in child abuse and neglect prevention, intervention, treatment, or research, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who represent—

"(1) law (including the judiciary);

"(2) psychology (including child development);

"(3) social services (including child protective services);

"(4) medicine (including pediatrics);

"(5) State and local government;

"(6) organizations providing services to disabled persons;

"(7) organizations providing services to adolescents;

"(8) teachers;

"(9) parent self-help organizations;

"(10) parents' groups;

"(11) voluntary groups;

"(12) family rights groups; and

"(13) children's rights advocates.

"(d) VACANCIES.—Any vacancy in the membership of the board shall be filled in the same manner in which the original appointment was made.

"(e) ELECTION OF OFFICERS.—The board shall elect a chairperson and vice-chairperson at its

first meeting from among the members of the board.

"(f) DUTIES.—Not later than 1 year after the establishment of the board under subsection (a), the board shall submit to the Secretary and the appropriate committees of Congress a report, or interim report, containing—

"(1) recommendations on coordinating Federal, State, and local child abuse and neglect activities with similar activities at the Federal, State, and local level pertaining to family violence prevention;

"(2) specific modifications needed in Federal and State laws and programs to reduce the number of unfounded or unsubstantiated reports of child abuse or neglect while enhancing the ability to identify and substantiate legitimate cases of abuse or neglect which place a child in danger; and

"(3) recommendations for modifications needed to facilitate coordinated national data collection with respect to child protection and child welfare."

**SEC. 105. REPEAL OF INTERAGENCY TASK FORCE.**

Section 103 (42 U.S.C.5103) is repealed.

**SEC. 106. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.**

Section 104 (42 U.S.C.5104) is amended—

(1) in subsection (a), to read as follows:

"(a) ESTABLISHMENT.—The Secretary shall through the Department, or by one or more contracts of not less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse."

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "Director" and inserting "Secretary";

(B) in paragraph (1)—

(i) by inserting "assessment," after "prevention,"; and

(ii) by striking "including" and all that follows through "105(b)" and inserting "and";

(C) in paragraph (2)—

(i) in subparagraph (A), by striking "general population" and inserting "United States";

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

(iii) in subparagraph (C), by striking "and" at the end thereof and inserting a period; and

(iv) by striking subparagraph (D); and

(D) by striking paragraph (3); and

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "Director" and inserting "Secretary";

(B) in paragraph (2), by striking "that is represented on the task force" and inserting "involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses";

(C) in paragraph (3), by striking "State, regional" and all that follows and inserting the following: "Federal, State, regional, and local child welfare data systems which shall include:

"(A) standardized data on false, unfounded, unsubstantiated, and substantiated reports; and

"(B) information on the number of deaths due to child abuse and neglect;"

(D) by redesignating paragraph (4) as paragraph (6); and

(E) by inserting after paragraph (3), the following new paragraphs:

"(4) through a national data collection and analysis program and in consultation with appropriate State and local agencies and experts in the field, collect, compile, and make available State child abuse and neglect reporting information which, to the extent practical, shall be universal and case specific, and integrated with other case-based foster care and adoption data collected by the Secretary;

"(5) compile, analyze, and publish a summary of the research conducted under section 105(a); and"

**SEC. 107. RESEARCH, EVALUATION AND ASSISTANCE ACTIVITIES.**

(a) RESEARCH.—Section 105(a) (42 U.S.C. 5105(a)) is amended—

(1) in the section heading, by striking "OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT";

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "through the Center, conduct research on" and inserting "in consultation with other Federal agencies and recognized experts in the field, carry out a continuing interdisciplinary program of research that is designed to provide information needed to better protect children from abuse or neglect and to improve the well-being of abused or neglected children, with at least a portion of such research being field initiated. Such research program may focus on";

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

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) the nature and scope of child abuse and neglect;"

(D) in subparagraph (B) (as so redesignated), to read as follows:

"(B) causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child abuse and neglect;"

(E) in subparagraph (D) (as so redesignated)—

(i) by striking clause (ii); and

(ii) in clause (iii), to read as follows:

"(ii) the incidence of substantiated and unsubstantiated reported child abuse cases;

"(iii) the number of substantiated cases that result in a judicial finding of child abuse or neglect or related criminal court convictions;

"(iv) the extent to which the number of unsubstantiated, unfounded and false reported cases of child abuse or neglect have contributed to the inability of a State to respond effectively to serious cases of child abuse or neglect;

"(v) the extent to which the lack of adequate resources and the lack of adequate training of reporters have contributed to the inability of a State to respond effectively to serious cases of child abuse and neglect;

"(vi) the number of unsubstantiated, false, or unfounded reports that have resulted in a child being placed in substitute care, and the duration of such placement;

"(vii) the extent to which unsubstantiated reports return as more serious cases of child abuse or neglect;

"(viii) the incidence and prevalence of physical, sexual, and emotional abuse and physical and emotional neglect in substitute care; and

"(ix) the incidence and outcomes of abuse allegations reported within the context of divorce, custody, or other family court proceedings, and the interaction between this venue and the child protective services system."; and

(3) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "and demonstrations"; and

(ii) by striking "paragraph (1)(A) and activities under section 106" and inserting "paragraph (1)"; and

(B) in subparagraph (B), by striking "and demonstration".

(b) REPEAL.—Subsection (b) of section 105 (42 U.S.C. 5105(b)) is repealed.

(c) TECHNICAL ASSISTANCE.—Section 105(c) (42 U.S.C. 5105(c)) is amended—

(1) by striking "The Secretary" and inserting: " (1) IN GENERAL.—The Secretary";

(2) by striking "through the Center,";

(3) by inserting "State and local" before "public and nonprofit";

(4) by inserting "assessment," before "identification"; and

(5) by adding at the end thereof the following new paragraphs:

"(2) EVALUATION.—Such technical assistance may include an evaluation or identification of—

"(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

“(B) ways to mitigate psychological trauma to the child victim; and

“(C) effective programs carried out by the States under titles I and II.

“(3) **DISSEMINATION.**—The Secretary may provide for and disseminate information relating to various training resources available at the State and local level to—

“(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

“(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children who have been subjected to abuse.”.

(d) **GRANTS AND CONTRACTS.**—Section 105(d)(2) (42 U.S.C. 5105(d)(2)) is amended by striking the second sentence.

(e) **PEER REVIEW.**—Section 105(e) (42 U.S.C. 5105(e)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking “establish a formal” and inserting “, in consultation with experts in the field and other federal agencies, establish a formal, rigorous, and meritorious”;

(ii) by striking “and contracts”;

(iii) by adding at the end thereof the following new sentence: “The purpose of this process is to enhance the quality and usefulness of research in the field of child abuse and neglect.”; and

(B) in subparagraph (B)—

(i) by striking “Office of Human Development” and inserting “Administration on Children and Families”;

(ii) by adding at the end thereof the following new sentence: “The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines for review committees.”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “, contract, or other financial assistance”;

(B) by adding at the end thereof the following flush sentence:

“The Secretary shall award grants under this section on the basis of competitive review.”.

**SEC. 108. GRANTS FOR DEMONSTRATION PROGRAMS.**

Section 106 (42 U.S.C. 5106) is amended—

(1) in the section heading, by striking “OR SERVICE”;

(2) in subsection (a), to read as follows:

“(a) **DEMONSTRATION PROGRAMS AND PROJECTS.**—The Secretary may make grants to, and enter into contracts with, public agencies or nonprofit private agencies or organizations (or combinations of such agencies or organizations) for time limited, demonstration programs and projects for the following purposes:

“(1) **TRAINING PROGRAMS.**—The Secretary may award grants to public or private non-profit organizations under this section—

“(A) for the training of professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect, including the links between domestic violence and child abuse;

“(B) to provide culturally specific instruction in methods of protecting children from child abuse and neglect to children and to persons responsible for the welfare of children, including parents of and persons who work with children with disabilities;

“(C) to improve the recruitment, selection, and training of volunteers serving in private and public nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of model programs for dissemination and replication nationally; and

“(D) for the establishment of resource centers for the purpose of providing information and training to professionals working in the field of child abuse and neglect.

“(2) **MUTUAL SUPPORT PROGRAMS.**—The Secretary may award grants to private non-profit organizations (such as Parents Anonymous) to establish or maintain a national network of mutual support and self-help programs as a means of strengthening families in partnership with their communities.

“(3) **OTHER INNOVATIVE PROGRAMS AND PROJECTS.**—

“(A) **IN GENERAL.**—The Secretary may award grants to public agencies that demonstrate innovation in responding to reports of child abuse and neglect including programs of collaborative partnerships between the State child protective service agency, community social service agencies and family support programs, schools, churches and synagogues, and other community agencies to allow for the establishment of a triage system that—

“(i) accepts, screens and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program or project;

“(ii) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

“(iii) provides further investigation and intensive intervention where the child’s safety is in jeopardy.

“(B) **KINSHIP CARE.**—The Secretary may award grants to public entities to assist such entities in developing or implementing procedures using adult relatives as the preferred placement for children removed from their home, where such relatives are determined to be capable of providing a safe nurturing environment for the child or where such relatives comply with the State child protection standards.

“(C) **VISITATION CENTERS.**—The Secretary may award grants to public or private nonprofit entities to assist such entities in the establishment or operation of supervised visitation centers where there is documented, highly suspected, or elevated risk of child sexual, physical, or emotional abuse where, due to domestic violence, there is an ongoing risk of harm to a parent or child.”.

(3) in subsection (c), by striking paragraphs (1) and (2); and

(4) by adding at the end thereof the following new subsection:

“(d) **EVALUATION.**—In making grants for demonstration projects under this section, the Secretary shall require all such projects to be evaluated for their effectiveness. Funding for such evaluations shall be provided either as a stated percentage of a demonstration grant or as a separate grant entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects.”.

**SEC. 109. STATE GRANTS FOR PREVENTION AND TREATMENT PROGRAMS.**

Section 107 (42 U.S.C. 5106a) is amended to read as follows:

**“SEC. 107. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.**

“(a) **DEVELOPMENT AND OPERATION GRANTS.**—The Secretary shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective service system of each such State in—

“(1) the intake, assessment, screening, and investigation of reports of abuse and neglect;

“(2)(A) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

“(B) improving legal preparation and representation, including—

“(i) procedures for appealing and responding to appeals of substantiated reports of abuse and neglect; and

“(ii) provisions for the appointment of a guardian ad litem.

“(3) case management and delivery of services provided to children and their families;

“(4) enhancing the general child protective system by improving risk and safety assessment tools and protocols, automation systems that support the program and track reports of child abuse and neglect from intake through final disposition and information referral systems;

“(5) developing, strengthening, and facilitating training opportunities and requirements for individuals overseeing and providing services to children and their families through the child protection system;

“(6) developing and facilitating training protocols for individuals mandated to report child abuse or neglect;

“(7) developing, strengthening, and supporting child abuse and neglect prevention, treatment, and research programs in the public and private sectors;

“(8) developing, implementing, or operating—

“(A) information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

“(i) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities; and

“(ii) the parents of such infants; and

“(B) programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

“(i) existing social and health services;

“(ii) financial assistance; and

“(iii) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption; or

“(9) developing and enhancing the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the neighborhood level.

(b) **ELIGIBILITY REQUIREMENTS.**—In order for a State to qualify for a grant under subsection (a), such State shall provide an assurance or certification, signed by the chief executive officer of the State, that the State—

“(1) has in effect and operation a State law or Statewide program relating to child abuse and neglect which ensures—

“(A) provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;

“(B) procedures for the immediate screening, safety assessment, and prompt investigation of such reports;

“(C) procedures for immediate steps to be taken to ensure and protect the safety of the abused or neglected child and of any other child under the same care who may also be in danger of abuse or neglect;

“(D) provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect;

“(E) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child’s parents or guardians, including methods to ensure that disclosure (and redisclosure) of information concerning child abuse or neglect involving specific individuals is made only to persons or entities that the State determines have a need for such information directly related to the purposes of this Act;

“(F) requirements for the prompt disclosure of all relevant information to any Federal, State, or local governmental entity, or any agent of such entity, with a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;

“(G) the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services;

“(H) provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective service agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk and safety assessment; and

“(I) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem shall be appointed to represent the child in such proceedings; and

“(2) has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

“(A) coordination and consultation with individuals designated by and within appropriate health-care facilities;

“(B) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and

“(C) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life threatening conditions.

“(c) ADDITIONAL REQUIREMENT.—Not later than 2 years after the date of enactment of this section, the State shall provide an assurance or certification that the State has in place provisions, procedures, and mechanisms by which individuals who disagree with an official finding of abuse or neglect can appeal such finding.

“(d) STATE PROGRAM PLAN.—To be eligible to receive a grant under this section, a State shall submit every 5 years a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. Such plan shall, to the maximum extent practicable, be coordinated with the plan of the State for child welfare services and family preservation and family support services under part B of title IV of the Social Security Act and shall contain an outline of the activities that the State intends to carry out using amounts provided under the grant to achieve the purposes of this Act, including the procedures to be used for—

“(1) receiving and assessing reports of child abuse or neglect;

“(2) investigating such reports;

“(3) protecting children by removing them from dangerous settings and ensuring their placement in a safe environment;

“(4) providing services or referral for services for families and children where the child is not in danger of harm;

“(5) providing services to individuals, families, or communities, either directly or through referral, aimed at preventing the occurrence of child abuse and neglect;

“(6) providing training to support direct line and supervisory personnel in report-taking, screening, assessment, decision-making, and referral for investigation; and

“(7) providing training for individuals mandated to report suspected cases of child abuse or neglect.

“(e) RESTRICTIONS RELATING TO CHILD WELFARE SERVICES.—Programs or projects relating

to child abuse and neglect assisted under part B of title IV of the Social Security Act shall comply with the requirements set forth in paragraphs (1) (A) and (B), and (2) of subsection (b).

“(f) ANNUAL STATE DATA REPORTS.—Each State to which a grant is made under this part shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

“(1) The number of children who were reported to the State during the year as abused or neglected.

“(2) Of the number of children described in paragraph (1), the number with respect to whom such reports were—

“(A) substantiated;

“(B) unsubstantiated; and

“(C) determined to be false.

“(3) Of the number of children described in paragraph (2)—

“(A) the number that did not receive services during the year under the State program funded under this part or an equivalent State program;

“(B) the number that received services during the year under the State program funded under this part or an equivalent State program; and

“(C) the number that were removed from their families during the year by disposition of the case.

“(4) The number of families that received preventive services from the State during the year.

“(5) The number of deaths in the State during the year resulting from child abuse or neglect.

“(6) Of the number of children described in paragraph (5), the number of such children who were in foster care.

“(7) The number of child protective service workers responsible for the intake and screening of reports filed in the previous year.

“(8) The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.

“(9) The response time with respect to the provision of services to families and children where an allegation of abuse or neglect has been made.

“(10) The number of child protective service workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

“(g) ANNUAL REPORT BY THE SECRETARY.—Within 6 months after receiving the State reports under subsection (f), the Secretary shall prepare a report based on information provided by the States for the fiscal year under such subsection and shall make the report and such information available to the Congress and the national clearinghouse for information relating to child abuse.”

#### SEC. 110. REPEAL.

Section 108 (42 U.S.C. 5106b) is repealed.

#### SEC. 111. MISCELLANEOUS REQUIREMENTS.

Section 110 (42 U.S.C. 5106d) is amended by striking subsections (c) and (d).

#### SEC. 112. DEFINITIONS.

Section 113 (42 U.S.C. 5106h) is amended—

(1) by striking paragraphs (1) and (2);

(2) by redesignating paragraphs (3) through (10) as paragraphs (1) through (8), respectively; and

(3) in paragraph (2) (as so redesignated), to read as follows:

“(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 or serious physical, sexual, or emotional harm, or presents an imminent risk of serious harm;”

#### SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

Section 114(a) (42 U.S.C. 5106h(a)) is amended to read as follows:

“(a) IN GENERAL.—

“(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title, \$100,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000.

“(2) DISCRETIONARY ACTIVITIES.—

“(A) IN GENERAL.—Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available 33½ percent of such amounts to fund discretionary activities under this title.

“(B) DEMONSTRATION PROJECTS.—Of the amounts made available for a fiscal year under subparagraph (A), the Secretary make available not more than 40 percent of such amounts to carry out section 106.”

#### SEC. 114. RULE OF CONSTRUCTION.

Title I (42 U.S.C. 5101 et seq.) is amended by adding at the end thereof the following new section:

#### “SEC. 115. RULE OF CONSTRUCTION.

“(a) IN GENERAL.—Nothing in this Act shall be construed—

“(1) as establishing a Federal requirement that a parent or legal guardian provide a child any medical service or treatment against the religious beliefs of the parent or legal guardian; and

“(2) to require that a State find, or to prohibit a State from finding, abuse or neglect in cases in which a parent or legal guardian relies solely or partially upon spiritual means rather than medical treatment, in accordance with the religious beliefs of the parent or legal guardian.

“(b) STATE REQUIREMENT.—Notwithstanding subsection (a), a State shall, at a minimum, have in place authority under State law to permit the child protective service system of the State to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, to provide medical care or treatment for a child when such care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatment from children with life threatening conditions. Case by case determinations concerning the exercise of the authority of this subsection shall be within the sole discretion of the State.”

#### SEC. 115. TECHNICAL AMENDMENT.

Section 1404A of the Victims of Crime Act of 1984 (42 U.S.C. 10603a) is amended—

(1) by striking “1402(d)(2)(D) and (d)(3)” and inserting “1402(d)(2)”;

(2) by striking “section 4(d)” and inserting “section 109”.

## TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS

### SEC. 201. ESTABLISHMENT OF PROGRAM.

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

#### “TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

### “SEC. 201. PURPOSE AND AUTHORITY.

“(a) PURPOSE.—It is the purpose of this Act to support State efforts to develop, operate, expand and enhance a network of community-based, prevention-focused, family resource and support programs that are culturally competent and that coordinate resources among existing education, vocational rehabilitation, disability, respite, health, mental health, job readiness, self-sufficiency, child and family development, community action, Head Start, child care, child abuse and neglect prevention, juvenile justice, domestic violence prevention and intervention, housing, and other human service organizations within the State.

“(b) AUTHORITY.—The Secretary shall make grants under this title on a formula basis to the entity designated by the State as the lead entity (hereafter referred to in this title as the ‘lead entity’) for the purpose of—

“(1) developing, operating, expanding and enhancing Statewide networks of community-based, prevention-focused, family resource and support programs that—

“(A) offer sustained assistance to families;

“(B) provide early, comprehensive, and holistic support for all parents;

“(C) promote the development of parental competencies and capacities, especially in young parents and parents with very young children;

“(D) increase family stability;

“(E) improve family access to other formal and informal resources and opportunities for assistance available within communities;

“(F) support the additional needs of families with children with disabilities; and

“(G) decrease the risk of homelessness;

“(2) fostering the development of a continuum of preventive services for children and families through State and community-based collaborations and partnerships both public and private;

“(3) financing the start-up, maintenance, expansion, or redesign of specific family resource and support program services (such as respite services, child abuse and neglect prevention activities, disability services, mental health services, housing services, transportation, adult education, home visiting and other similar services) identified by the inventory and description of current services required under section 205(a)(3) as an unmet need, and integrated with the network of community-based family resource and support program to the extent practicable given funding levels and community priorities;

“(4) maximizing funding for the financing, planning, community mobilization, collaboration, assessment, information and referral, start-up, training and technical assistance, information management, reporting and evaluation costs for establishing, operating, or expanding a Statewide network of community-based, prevention-focused, family resource and support program; and

“(5) financing public information activities that focus on the healthy and positive development of parents and children and the promotion of child abuse and neglect prevention activities.

**“SEC. 202. ELIGIBILITY.**

“A State shall be eligible for a grant under this title for a fiscal year if—

“(1)(A) the chief executive officer of the State has designated an entity to administer funds under this title for the purposes identified under the authority of this title, including to develop, implement, operate, enhance or expand a Statewide network of community-based, prevention-focused, family resource and support programs, child abuse and neglect prevention activities and access to respite services integrated with the Statewide network;

“(B) in determining which entity to designate under subparagraph (A), the chief executive officer should give priority consideration to the trust fund advisory board of the State or an existing entity that leverages Federal, State, and private funds for a broad range of child abuse and neglect prevention activities and family resource programs, and that is directed by an interdisciplinary, public-private structure, including participants from communities; and

“(C) such lead entity is an existing public, quasi-public, or nonprofit private entity with a demonstrated ability to work with other State and community-based agencies to provide training and technical assistance, and that has the capacity and commitment to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

“(2) the chief executive officer of the State provides assurances that the lead entity will provide or will be responsible for providing—

“(A) a network of community-based family resource and support programs composed of local, collaborative, public-private partnerships directed by interdisciplinary structures with balanced representation from private and public sector members, parents, and public and private nonprofit service providers and individuals and organizations experienced in working in partnership with families with children with disabilities;

“(B) direction to the network through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, parents, and public sector and private nonprofit sector service providers; and

“(C) direction and oversight to the network through identified goals and objectives, clear lines of communication and accountability, the provision of leveraged or combined funding from Federal, State and private sources, centralized assessment and planning activities, the provision of training and technical assistance, and reporting and evaluation functions; and

“(3) the chief executive officer of the State provides assurances that the lead entity—

“(A) has a demonstrated commitment to parental participation in the development, operation, and oversight of the Statewide network of community-based, prevention-focused, family resource and support programs;

“(B) has a demonstrated ability to work with State and community-based public and private nonprofit organizations to develop a continuum of preventive, family centered, holistic services for children and families through the Statewide network of community-based, prevention-focused, family resource and support programs;

“(C) has the capacity to provide operational support (both financial and programmatic) and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs, through innovative, interagency funding and interdisciplinary service delivery mechanisms; and

“(D) will integrate its efforts with individuals and organizations experienced in working in partnership with families with children with disabilities and with the child abuse and neglect prevention activities of the State, and demonstrate a financial commitment to those activities.

**“SEC. 203. AMOUNT OF GRANT.**

“(a) RESERVATION.—The Secretary shall reserve 1 percent of the amount appropriated under section 210 for a fiscal year to make allotments to Indian tribes and tribal organizations and migrant programs.

“(b) IN GENERAL.—Of the amounts appropriated for a fiscal year under section 210 and remaining after the reservation under subsection (a), The Secretary shall allot to each State lead entity an amount so that—

“(1) 50 percent of the total amount allotted to the State under this section is based on the number of children under 18 residing in the State as compared to the number of such children residing in all States, except that no State shall receive less than \$250,000; and

“(2) each State receives, from the amounts remaining from the total amount appropriated, an amount equal to 50 percent of the amount that each such State has directed through the lead agency to the purposes identified under the authority of this title, including foundation, corporate, and other private funding, State revenues, and Federal funds.

“(c) ALLOCATION.—Funds allotted to a State under this section shall be awarded on a formula basis for a 3-year period. Payment under such allotments shall be made by the Secretary annually on the basis described in subsection (a).

**“SEC. 204. EXISTING AND CONTINUATION GRANTS.**

“(a) EXISTING GRANTS.—Notwithstanding the enactment of this title, a State or entity that has a grant, contract, or cooperative agreement in effect, on the date of enactment of this title, under the Family Resource and Support Program, the Community-Based Family Resource Program, the Family Support Center Program, the Emergency Child Abuse Prevention Grant Program, or the Temporary Child Care for Children with Disabilities and Crisis Nurseries Programs shall continue to receive funds under

such programs, subject to the original terms under which such funds were granted, through the end of the applicable grant cycle.

“(b) CONTINUATION GRANTS.—The Secretary may continue grants for Family Resource and Support Program grantees, and those programs otherwise funded under this Act, on a non-competitive basis, subject to the availability of appropriations, satisfactory performance by the grantee, and receipt of reports required under this Act, until such time as the grantee no longer meets the original purposes of this Act.

**“SEC. 205. APPLICATION.**

“(a) IN GENERAL.—A grant may not be made to a State under this title unless an application therefore is submitted by the State to the Secretary and such application contains the types of information specified by the Secretary as essential to carrying out the provisions of section 202, including—

“(1) a description of the lead entity that will be responsible for the administration of funds provided under this title and the oversight of programs funded through the Statewide network of community-based, prevention-focused, family resource and support programs which meets the requirements of section 202;

“(2) a description of how the network of community-based, prevention-focused, family resource and support programs will operate and how family resource and support services provided by public and private, nonprofit organizations, including those funded by programs consolidated under this Act, will be integrated into a developing continuum of family centered, holistic, preventive services for children and families;

“(3) an assurance that an inventory of current family resource programs, respite, child abuse and neglect prevention activities, and other family resource services operating in the State, and a description of current unmet needs, will be provided;

“(4) a budget for the development, operation and expansion of the State’s network of community-based, prevention-focused, family resource and support programs that verifies that the State will expend an amount equal to not less than 20 percent of the amount received under this title (in cash, not in-kind) for activities under this title;

“(5) an assurance that funds received under this title will supplement, not supplant, other State and local public funds designated for the Statewide network of community-based, prevention-focused, family resource and support programs;

“(6) an assurance that the State network of community-based, prevention-focused, family resource and support programs will maintain cultural diversity, and be culturally competent and socially sensitive and responsive to the needs of families with children with disabilities;

“(7) an assurance that the State has the capacity to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of the programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

“(8) a description of the criteria that the entity will use to develop, or select and fund, individual community-based, prevention-focused, family resource and support programs as part of network development, expansion or enhancement;

“(9) a description of outreach activities that the entity and the community-based, prevention-focused, family resource and support programs will undertake to maximize the participation of racial and ethnic minorities, new immigrant populations, children and adults with disabilities, homeless families and those at risk of homelessness, and members of other underserved or underrepresented groups;

“(10) a plan for providing operational support, training and technical assistance to community-based, prevention-focused, family resource and support programs for development,

operation, expansion and enhancement activities;

“(11) a description of how the applicant entity’s activities and those of the network and its members will be evaluated;

“(12) a description of that actions that the applicant entity will take to advocate changes in State policies, practices, procedures and regulations to improve the delivery of prevention-focused, family resource and support program services to all children and families; and

“(13) an assurance that the applicant entity will provide the Secretary with reports at such time and containing such information as the Secretary may require.

**“SEC. 206. LOCAL PROGRAM REQUIREMENTS.**

“(a) IN GENERAL.—Grants made under this title shall be used to develop, implement, operate, expand and enhance community-based, prevention-focused, family resource and support programs that—

“(1) assess community assets and needs through a planning process that involves parents and local public agencies, local nonprofit organizations, and private sector representatives;

“(2) develop a strategy to provide, over time, a continuum of preventive, holistic, family centered services to children and families, especially to young parents and parents with young children, through public-private partnerships;

“(3) provide—

“(A) core family resource and support services such as—

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

“(ii) early developmental screening of children;

“(iii) outreach services;

“(iv) community and social service referrals; and

“(v) follow-up services;

“(B) other core services, which must be provided or arranged for through contracts or agreements with other local agencies, including all forms of respite services to the extent practicable; and

“(C) access to optional services, including—

“(i) child care, early childhood development and intervention services;

“(ii) services and supports to meet the additional needs of families with children with disabilities;

“(iii) job readiness services;

“(iv) educational services, such as scholastic tutoring, literacy training, and General Educational Degree services;

“(v) self-sufficiency and life management skills training;

“(vi) community referral services; and

“(vii) peer counseling;

“(4) develop leadership roles for the meaningful involvement of parents in the development, operation, evaluation, and oversight of the programs and services;

“(5) provide leadership in mobilizing local public and private resources to support the provision of needed family resource and support program services; and

“(6) participate with other community-based, prevention-focused, family resource and support program grantees in the development, operation and expansion of the Statewide network.

“(b) PRIORITY.—In awarding local grants under this title, a lead entity shall give priority to community-based programs serving low income communities and those serving young parents or parents with young children, and to community-based family resource and support programs previously funded under the programs consolidated under the Child Abuse Prevention and Treatment Act Amendments of 1995, so long as such programs meet local program requirements.

**“SEC. 207. PERFORMANCE MEASURES.**

“A State receiving a grant under this title, through reports provided to the Secretary, shall—

“(1) demonstrate the effective development, operation and expansion of a Statewide network of community-based, prevention-focused, family resource and support programs that meets the requirements of this title;

“(2) supply an inventory and description of the services provided to families by local programs that meet identified community needs, including core and optional services as described in section 202;

“(3) demonstrate the establishment of new respite and other specific new family resources services, and the expansion of existing services, to address unmet needs identified by the inventory and description of current services required under section 205(a)(3);

“(4) describe the number of families served, including families with children with disabilities, and the involvement of a diverse representation of families in the design, operation, and evaluation of the Statewide network of community-based, prevention-focused, family resource and support programs, and in the design, operation and evaluation of the individual community-based family resource and support programs that are part of the Statewide network funded under this title;

“(5) demonstrate a high level of satisfaction among families who have used the services of the community-based, prevention-focused, family resource and support programs;

“(6) demonstrate the establishment or maintenance of innovative funding mechanisms, at the State or community level, that blend Federal, State, local and private funds, and innovative, interdisciplinary service delivery mechanisms, for the development, operation, expansion and enhancement of the Statewide network of community-based, prevention-focused, family resource and support programs;

“(7) describe the results of a peer review process conducted under the State program; and

“(8) demonstrate an implementation plan to ensure the continued leadership of parents in the on-going planning, implementation, and evaluation of such community based, prevention-focused, family resource and support programs.

**“SEC. 208. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.**

“The Secretary may allocate such sums as may be necessary from the amount provided under the State allotment to support the activities of the lead entity in the State—

“(1) to create, operate and maintain a peer review process;

“(2) to create, operate and maintain an information clearinghouse;

“(3) to fund a yearly symposium on State system change efforts that result from the operation of the Statewide networks of community-based, prevention-focused, family resource and support programs;

“(4) to create, operate and maintain a computerized communication system between lead entities; and

“(5) to fund State-to-State technical assistance through bi-annual conferences.

**“SEC. 209. DEFINITIONS.**

“For purposes of this title:

“(1) CHILDREN WITH DISABILITIES.—The term ‘children with disabilities’ has the same meaning given such term in section 602(a)(2) of the Individuals with Disabilities Education Act.

“(2) COMMUNITY REFERRAL SERVICES.—The term ‘community referral services’ means services provided under contract or through inter-agency agreements to assist families in obtaining needed information, mutual support and community resources, including respite services, health and mental health services, employability development and job training, and other social services through help lines or other methods.

“(3) CULTURALLY COMPETENT.—The term ‘culturally competent’ means services, support, or other assistance that is conducted or provided in a manner that—

“(A) is responsive to the beliefs, interpersonal styles, attitudes, languages, and behaviors of those individuals and families receiving services; and

“(B) has the greatest likelihood of ensuring maximum participation of such individuals and families.

“(4) FAMILY RESOURCE AND SUPPORT PROGRAM.—The term ‘family resource and support program’ means a community-based, prevention-focused entity that—

“(A) provides, through direct service, the core services required under this title, including—

“(i) parent education, support and leadership services, together with services characterized by relationships between parents and professionals that are based on equality and respect, and designed to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children;

“(ii) services to facilitate the ability of parents to serve as resources to one another other (such as through mutual support and parent self-help groups);

“(iii) early developmental screening of children to assess any needs of children, and to identify types of support that may be provided;

“(iv) outreach services provided through voluntary home visits and other methods to assist parents in becoming aware of and able to participate in family resources and support program activities;

“(v) community and social services to assist families in obtaining community resources; and

“(vi) follow-up services;

“(B) provides, or arranges for the provision of, other core services through contracts or agreements with other local agencies, including all forms of respite services; and

“(C) provides access to optional services, directly or by contract, purchase of service, or interagency agreement, including—

“(i) child care, early childhood development and early intervention services;

“(ii) self-sufficiency and life management skills training;

“(iii) education services, such as scholastic tutoring, literacy training, and General Educational Degree services;

“(iv) job readiness skills;

“(v) child abuse and neglect prevention activities;

“(vi) services that families with children with disabilities or special needs may require;

“(vii) community and social service referral;

“(viii) peer counseling;

“(ix) referral for substance abuse counseling and treatment; and

“(x) help line services.

“(5) NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.—The term ‘network for community-based family resource program’ means the organization of State designated entities who receive grants under this title, and includes the entire membership of the Children’s Trust Fund Alliance and the National Respite Network.

“(6) OUTREACH SERVICES.—The term ‘outreach services’ means services provided to assist consumers, through voluntary home visits or other methods, in accessing and participating in family resource and support program activities.

“(7) RESPITE SERVICES.—The term ‘respite services’ means short term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, or guardian) to children who—

“(A) are in danger of abuse or neglect;

“(B) have experienced abuse or neglect; or

“(C) have disabilities, chronic, or terminal illnesses.

Such services shall be provided within or outside the home of the child, be short-term care (ranging from a few hours to a few weeks of time, per year), and be intended to enable the family to stay together and to keep the child living in the home and community of the child.

**SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this title, \$108,000,000 for each of the fiscal years 1996 through 2000."

**SEC. 202. REPEALS.**

(a) TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES ACT.—The Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117 et seq.) is repealed.

(b) FAMILY SUPPORT CENTERS.—Subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.) is repealed.

**TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES****SEC. 301. REFERENCE.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.).

**SEC. 302. STATE DEMONSTRATION GRANTS.**

Section 303(e) (42 U.S.C. 10420(e)) is amended—

(1) by striking "following local share" and inserting "following non-Federal matching local share"; and

(2) by striking "20 percent" and all that follows through "private sources." and inserting "with respect to an entity operating an existing program under this title, not less than 20 percent, and with respect to an entity intending to operate a new program under this title, not less than 35 percent."

**SEC. 303. ALLOTMENTS.**

Section 304(a)(1) (42 U.S.C. 10403(a)(1)) is amended by striking "\$200,000" and inserting "\$400,000".

**SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

Section 310 (42 U.S.C. 10409) is amended—

(1) in subsection (b), by striking "80" and inserting "70"; and

(2) by adding at the end thereof the following new subsections:

"(d) GRANTS FOR STATE COALITIONS.—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

"(e) NON-SUPPLANTING REQUIREMENT.—Federal funds made available to a State under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this title."

**TITLE IV—ADOPTION OPPORTUNITIES****SEC. 401. REFERENCE.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.).

**SEC. 402. FINDINGS AND PURPOSE.**

Section 201 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "50 percent between 1985 and 1990" and inserting "61 percent between 1986 and 1994"; and

(ii) by striking "400,000 children at the end of June, 1990" and inserting "452,000 as of June, 1994"; and

(B) in paragraph (5), by striking "local" and inserting "legal"; and

(C) in paragraph (7), to read as follows:

"(7)(A) currently, 40,000 children are free for adoption and awaiting placement;

"(B) such children are typically school aged, in sibling groups, have experienced neglect or

abuse, or have a physical, mental, or emotional disability; and

"(C) while the children are of all races, children of color and older children (over the age of 10) are over represented in such group;" and

(2) in subsection (b)—

(A) by striking "conditions, by—" and all that follows through "providing a mechanism" and inserting "conditions, by providing a mechanism"; and

(B) by redesignating subparagraphs (A) through (C), as paragraphs (1) through (3), respectively and by realigning the margins of such paragraphs accordingly.

**SEC. 403. INFORMATION AND SERVICES.**

Section 203 (42 U.S.C. 5113) is amended—

(1) in subsection (a), by striking the last sentence;

(2) in subsection (b)—

(A) in paragraph (6), to read as follows:

"(6) study the nature, scope, and effects of the placement of children in kinship care arrangements, pre-adoptive, or adoptive homes;"

(B) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(C) by inserting after paragraph (6), the following new paragraph:

"(7) study the efficacy of States contracting with public or private nonprofit agencies (including community-based and other organizations), or sectarian institutions for the recruitment of potential adoptive and foster families and to provide assistance in the placement of children for adoption;" and

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking "Each" and inserting "(A) Each";

(ii) by striking "for each fiscal year" and inserting "that describes the manner in which the State will use funds during the 3-fiscal years subsequent to the date of the application to accomplish the purposes of this section. Such application shall be"; and

(iii) by adding at the end thereof the following new subparagraph:

"(B) The Secretary shall provide, directly or by grant to or contract with public or private nonprofit agencies or organizations—

"(i) technical assistance and resource and referral information to assist State or local governments with termination of parental rights issues, in recruiting and retaining adoptive families, in the successful placement of children with special needs, and in the provision of pre- and post-placement services, including post-legal adoption services; and

"(ii) other assistance to help State and local governments replicate successful adoption-related projects from other areas in the United States."

**SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

Section 205 (42 U.S.C. 5115) is amended—

(1) in subsection (a), by striking "\$10,000,000," and all that follows through "203(c)(1)" and inserting "\$20,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000 to carry out programs and activities authorized";

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

**TITLE V—ABANDONED INFANTS ASSISTANCE ACT OF 1986****SEC. 501. REAUTHORIZATION.**

Section 104(a)(1) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "\$20,000,000" and all that follows through the end thereof and inserting "\$35,000,000 for each of the fiscal years 1995 and 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000".

**TITLE VI—REAUTHORIZATION OF VARIOUS PROGRAMS****SEC. 601. MISSING CHILDREN'S ASSISTANCE ACT.**

Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended—

(1) by striking "To" and inserting "(a) IN GENERAL.—"

(2) by striking "and 1996" and inserting "1996, and 1997"; and

(3) by adding at the end thereof the following new subsection:

"(b) EVALUATION.—The Administrator shall use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) to conduct an evaluation of the effectiveness of the programs and activities established and operated under this title."

**SEC. 602. VICTIMS OF CHILD ABUSE ACT OF 1990.**

Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended—

(1) in subsection (a)(2), by striking "and 1996" and inserting "1996, and 1997"; and

(2) in subsection (b)(2), by striking "and 1996" and inserting "1996, through 2000".

AMENDMENT NO. 4926

Mr. ROTH. Mr. President, I understand there is an amendment at the desk offered by Senator COATS.

I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for Mr. COATS, proposes an amendment numbered 4926.

Beginning on page 83, strike line 6 and all that follows through line 10 on page 86, and insert the following:

"(b) ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—In order for a State to qualify for a grant under subsection (a), such State shall provide an assurance or certification, signed by the chief executive officer of the State, that the State—

"(A) has in effect and operation a State law or Statewide program relating to child abuse and neglect which ensures—

"(i) provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;

"(ii) procedures for the immediate screening, safety assessment, and prompt investigation of such reports;

"(iii) procedures for immediate steps to be taken to ensure and protect the safety of the abused or neglected child and of any other child under the same care who may also be in danger of abuse or neglect;

"(iv) provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect;

"(v) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including requirements ensuring that reports and records made and maintained pursuant to the purposes of this Act shall only be made available to—

"(I) individuals who are the subject of the report;

"(II) Federal, State, or local government entities, or any agent of such entities, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;

"(III) child abuse citizen review panels;

"(IV) child fatality review panels;

"(V) a grant jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grant jury; and

"(VI) other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose;

"(vi) provisions which allow for public disclosure of the findings or information about

the case of child abuse or neglect which has resulted in a child fatality or near fatality;

"(vii) the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services;

"(viii) provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective service agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk and safety assessment; and

"(ix) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem shall be appointed to represent the child in such proceedings; and

"(B) has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

"(i) coordination and consultation with individuals designated by and within appropriate health-care facilities;

"(ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and

"(iii) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life threatening conditions.

"(2) LIMITATION.—With regard to clauses (v) and (vi) of paragraph (1)(A), nothing in this section shall be construed as restricting the ability of a State to refuse to disclose identifying information concerning the individual initiating a report or complaint alleging suspected instances of child abuse or neglect, except that the State may not refuse such a disclosure where a court orders such disclosure after such court has reviewed, in camera, the record of the State related to the report or complaint and has found it has reason to believe that the reporter knowingly made a false report.

"(3) DEFINITION.—For purposes of this subsection, the term 'near fatality' means an act that, as certified by a physician, places the child in serious or critical condition.

On page 91, strike lines 1 and 2, and insert the following: ", serious physical or emotional harm, sexual abuse or exploitation, or an act of failure to act which presents an imminent risk of serious harm;".

On page 91, strike lines 9 through 11, and insert the following: "\$100,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001."

On page 92, line 23, strike "Case" and insert "Except with respect to the withholding of medically indicated treatments from disabled infants with life threatening conditions, case".

On page 114, lines 19 and 20, strike "1996 through 2000" and insert "1997 through 2001".

On page 120, line 10, strike "2000" and insert "2001".

On page 120, line 22, strike "and 1996" and insert "through 1997".

On page 120, line 23, strike "1997 through 2000" and insert "1998 through 2001".

On page 121, lines 8 and 9, strike "1996, and 1997" and insert "1996, and 1997 through 2001".

On page 121, line 23, strike "2000" and insert "2001".

Mr. COATS. Mr. President, child abuse is a critical issue facing our Nation. Each year, close to 1 million children are abused or neglected and as a result, in need of assistance and out of home care. CAPTA is a small but vital link in the provision of these services.

S. 919, which was unanimously reported by the Senate Labor Committee nearly 1-year ago, streamlines State plan and reporting requirements; eliminates unnecessary research and technical assistance activities; and encourages local innovation through a restructured demonstration program.

Additionally, we have consolidated the Child Abuse Community Based Prevention Grants, Family Resource Centers, Family Support Centers into the Community and Family Resource and Support Grants.

Finally, S. 919 repeals the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act, Title VII (F) of the McKinney Homeless Assistance Act, and the Emergency Child Abuse Prevention Grants.

Mr. President, each day, hundreds of children and families come into contact with, and are affected by, our nation's child protective system. For many, it is a frightening experience. For others—for those on the front lines, it is sometimes an opportunity to rescue children from horrific circumstances.

Unfortunately, the issues facing this overburdened system are seldom easily resolved. Too often—overworked, under paid, untrained, and sometimes overzealous caseworkers have a tremendous and devastating impact on families.

Decisions are routinely made to remove children and place them in foster care—into situations that are sometimes more dangerous than the one they were removed from. Other times, because of mounting paperwork and case files, a serious case goes uninvestigated—or a decision to return a child to an unsafe home is made because there are no more out of home placements available. These are all difficult circumstances that require balance, training, and resources.

Since 1974, CAPTA, through a relatively small program, has assisted states in meeting child protection needs. It is a small, but important program, because it mandates have radically changed how we view child protection.

Unfortunately, not all of these changes have been helpful. CAPTA has, until now, been viewed as a very prescriptive program, with States judged, not on how well they protect children, but on how close they come to mirroring Federal requirements.

The 1995 CAPTA Amendments are an important first step toward addressing some of the problems in CAPTA while

at the same time, building upon its strengths. Most experts agree that what CAPTA can do, and do best, is provide guidance to states; assist States with training and technical assistance; and promote better research and dissemination of information while allowing for maximum flexibility in approach and response. With that in mind, S. 919:

Eliminates unnecessary bureaucracy by repealing mandates for a National Center on Child Abuse and Neglect, the U.S. Advisory Board, and the Interagency Task force on Child Abuse. Instead, the Secretary may use discretion in deciding whether or not they are an essential function.

Restructures and consolidates various research functions into one coordinated effort.

Places a significant emphasis on local experimentation by expanding Demonstration Grants to encourage local innovation and experimentation. One of these areas involves a triage system approach which we heard very exciting reports about during a Subcommittee on Children and Families hearing. Others include training for mandatory reporters, families, service providers, and communities and a demonstration program for kinship care as an alternative to foster care placements.

Reforms the Basic State Grant by allowing greater flexibility to the States in determining the circumstances and intensity of intervention that is required, while encouraging them to look to other preventative services that can be provided to families, where intensive intervention is not called for.

Determining the appropriate level of intervention is a very important consideration. We have studied closely the numbers of abuse and neglect reports that have been filed. Of the close to 3 million reports that have been filed, only one-third are eventually substantiated. This means that over 2 million are either unsubstantiated or false. And while I know that these numbers and their interpretation are the source of some disagreement, the fact remains that for whatever reason, over 2 million investigations at some level, are occurring, and possibly resulting in inappropriate interventions—including removal of the child from the home.

Members of the Labor Committee may recall the testimony of Jim Wade who spoke of his three year ordeal, in which his daughter was wrongfully removed from his home. I have received many such reports and complaints, and while we should be mindful not to legislate by anecdote, these stories involve real people and are chilling.

With the State grant, we have worked to find ways to improve reporting so that caseworkers are able to assess and effectively respond to cases of abuse and neglect with an appropriate response. S. 919 stresses the importance of case workers using risk assessment procedures to ensure that priority attention is given to those children who

are at great risk of harm. I think particularly of the tragic case of Elisa Izquierdo of Brooklyn, the 6 year-old girl brutally murdered by her mother on the day before Thanksgiving this past year. Elisa was well known to the overburdened case workers who were assigned to monitor her, however it appears that they simply didn't have enough time to keep a close watch on Elisa, nor maybe enough training to realize the tremendous seriousness of her situation. S. 919's focus on better training and the use of risk assessment procedures should help to improve the safety of children.

We have also ensured that persons who maliciously file reports of abuse or neglect will not longer be protected by CAPTA's immunity for reporting. Only good faith reports will be protected.

Finally, we have clarified the definition of child abuse or neglect to provide additional guidance and clarification to states as they endeavor to protect children from abuse and neglect.

Let me briefly mention the other programs authorized in the 1995 CAPTA Amendments: the Community and Family Resource Grants is the result of nearly a full year's effort to consolidate the Community Based Prevention Grant, Respite Care Program, and Family Resource Programs; the Family Violence Prevention and Services Act which provides assistance to States primarily for shelters; the Adoption Opportunities Act which supports aggressive efforts to strengthen the capacity of States to find permanent homes for children with special needs; the Abandoned Infants Assistance Act which provides for the needs of children who are abandoned, especially those with AIDS; the Children's Justice Act; and the Missing Children's Assistance Act and Section 214 of the Victims of Child Abuse Act.

Mr. President, I would like to thank the Members for their attention. These are important programs and they will affect many children and families. I urge the adoption of the 1995 CAPTA Amendments.

Mr. ROTH. Mr. President, I ask unanimous consent that the amendment be considered as read, and agreed to, the committee amendment be agreed to, the bill be deemed read a third time, passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4926) was agreed to.

The bill (S. 919), as amended, was deemed read a third time, and passed.

(The text of the bill will be printed in a future Edition of the RECORD.)

#### SAFE DRINKING WATER ACT AMENDMENTS OF 1996

Mr. ROTH. Mr. President, I ask that the Chair lay before the Senate a mes-

sage from the House of Representatives on S 1316, a bill to reauthorize and amend title XIV of the Public Health Service Act, commonly known as the Safe Drinking Water Act, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1316) entitled "An Act to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Safe Drinking Water Act Amendments of 1996".

(b) *TABLE OF CONTENTS*.—

- Sec. 1. Short title and table of contents.
- Sec. 2. References; effective date; disclaimer.

#### TITLE I—PUBLIC WATER SYSTEMS

##### Subtitle A—Promulgation of National Primary Drinking Water Regulations

- Sec. 101. Selection of additional contaminants.
- Sec. 102. Disinfectants and disinfection byproducts.
- Sec. 103. Limited alternative to filtration.
- Sec. 104. Standard-setting.
- Sec. 105. Ground water disinfection.
- Sec. 106. Effective date for regulations.
- Sec. 107. Risk assessment, management, and communication.
- Sec. 108. Radon, arsenic, and sulfate.
- Sec. 109. Urgent threats to public health.
- Sec. 110. Recycling of filter backwash.
- Sec. 111. Treatment technologies for small systems.

##### Subtitle B—State Primary Enforcement Responsibility for Public Water Systems

- Sec. 121. State primacy.

##### Subtitle C—Notification and Enforcement

- Sec. 131. Public notification.
- Sec. 132. Enforcement.
- Sec. 133. Judicial review

##### Subtitle D—Exemptions and Variances

- Sec. 141. Exemptions.
- Sec. 142. Variances.

##### Subtitle E—Lead Plumbing and Pipes

- Sec. 151. Lead plumbing and pipes.

##### Subtitle F—Capacity Development

- Sec. 161. Capacity development.

#### TITLE II—AMENDMENTS TO PART C

- Sec. 201. Source water quality assessment.
- Sec. 202. Federal facilities.

#### TITLE III—GENERAL PROVISIONS REGARDING SAFE DRINKING WATER ACT

- Sec. 301. Operator certification.
- Sec. 302. Technical assistance.
- Sec. 303. Public water system supervision program.
- Sec. 304. Monitoring and information gathering.
- Sec. 305. Occurrence data base.
- Sec. 306. Citizens suits.
- Sec. 307. Whistle blower.
- Sec. 308. State revolving funds.
- Sec. 309. Water conservation plan.

#### TITLE IV—MISCELLANEOUS

- Sec. 401. Definitions.
- Sec. 402. Authorization of appropriations.
- Sec. 403. New York City watershed protection program.
- Sec. 404. Estrogenic substances screening program.
- Sec. 405. Reports on programs administered directly by Environmental Protection Agency.

- Sec. 406. Return flows.
- Sec. 407. Emergency powers.
- Sec. 408. Waterborne disease occurrence study.
- Sec. 409. Drinking water studies.
- Sec. 410. Bottled drinking water standards.
- Sec. 411. Clerical amendments.

#### TITLE V—ADDITIONAL ASSISTANCE FOR WATER INFRASTRUCTURE AND WATER-SHEDS

- Sec. 501. General program.
- Sec. 502. New York City Watershed, New York.
- Sec. 503. Rural and Native villages, Alaska.
- Sec. 504. Acquisition of lands.
- Sec. 505. Federal share.
- Sec. 506. Condition on authorizations of appropriations.

- Sec. 507. Definitions.

#### TITLE VI—DRINKING WATER RESEARCH AUTHORIZATION

- Sec. 601. Drinking water research authorization.

- Sec. 602. Scientific research review.

#### SEC. 2. REFERENCES; EFFECTIVE DATE; DISCLAIMER.

(a) *REFERENCES TO SAFE DRINKING WATER ACT*.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act, 42 U.S.C. 300f et seq.).

(b) *EFFECTIVE DATE*.—Except as otherwise specified in this Act or in the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(c) *DISCLAIMER*.—Nothing in this Act or in any amendments made by this Act to title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) or any other law shall be construed by the Administrator of the Environmental Protection Agency or the courts as affecting, modifying, expanding, changing, or altering—

(1) the provisions of the Federal Water Pollution Control Act;

(2) the duties and responsibilities of the Administrator under that Act; or

(3) the regulation or control of point or nonpoint sources of pollution discharged into waters covered by that Act.

The Administrator shall identify in the agency's annual budget all funding and full-time equivalents administering such title XIV separately from funding and staffing for the Federal Water Pollution Control Act.

#### TITLE I—PUBLIC WATER SYSTEMS

##### Subtitle A—Promulgation of National Primary Drinking Water Regulations

#### SEC. 101. SELECTION OF ADDITIONAL CONTAMINANTS.

(a) *IN GENERAL*.—Section 1412(b)(3) (42 U.S.C. 300g-1(b)(3)) is amended to read as follows:

"(3) *REGULATION OF UNREGULATED CONTAMINANTS*.—

"(A) *LISTING OF CONTAMINANTS FOR CONSIDERATION*.—(i) Not later than 18 months after the date of the enactment of the Safe Drinking Water Act Amendments of 1996 and every 5 years thereafter, the Administrator, after consultation with the scientific community, including the Science Advisory Board, after notice and opportunity for public comment, and after considering the occurrence data base established under section 1445(g), shall publish a list of contaminants which, at the time of publication, are not subject to any proposed or promulgated national primary drinking water regulation, which are known or anticipated to occur in public water systems, and which may require regulation under this title.

"(ii) The unregulated contaminants considered under clause (i) shall include, but not be