The infant and the treatment itself under such circumstances would be inhumane;\(^1\)


PRIOR PROVISIONS

A prior section 111 of Pub. L. 93–247 was renumbered section 109 and is classified to section 5106c of this title.

AMENDMENTS

2010—Pars. (1), (2), Pub. L. 111–320, §142(b)(1), (2), redesignated pars. (7) and (8) as (1) and (2), respectively, and struck out former pars. (1) and (2) which read as follows:

“(1) the term ‘child’ means a person who has not attained the lesser of—

(A) the age of 18; or

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

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

Par. (3), Pub. L. 111–320, §142(b)(1)–(3), redesignated par. (10) as (3), struck out “and” at end, and struck out former par. (3) which read as follows: “the term ‘Secretary’ means the Secretary of Health and Human Services;”.

Par. (4)(B), Pub. L. 111–320, §142(b)(4), inserted “and” after semicolon at end.

Par. (5), Pub. L. 111–320, §142(b)(5), redesignated par. (6) as (5), redesignated par. (6)(a) as (3), and struck out former par. (5) which read as follows: “except as provided in section 5106a(f) of this title, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”.

Par. L. 111–320, §119(1), inserted “except as provided in section 5106a(f) of this title,” after “(5),”, inserted “and” after “‘Samoa,’,” and struck out “and the Trust Territory of the Pacific Islands” after “Northern Mariana Islands.”

Par. (6), Pub. L. 111–320, §142(b)(5), redesignated par. (6) as (5).

Par. (6)(C), Pub. L. 111–320, §119(2), substituted a semicolon for period at end.

Par. (7) to (11), Pub. L. 111–320, §142(b)(1), (2), redesignated pars. (7), (8), and (10) as (1), (2), and (3), respectively, and struck out pars. (9) and (11) which read as follows:

“(9) the terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given the terms in section 450b of title 25;”

“(11) the term ‘unaccompanied homeless youth’ means an individual who is described in paragraphs (2) and (6) of section 11434a of this title.”


1996—Par. (1), Pub. L. 104–235, §110(1), (2)(A), redesignated par. (3) as (1) and struck out former par. (1) which read as follows: “the term ‘board’ means the Advisory Board on Child Abuse and Neglect established under section 5102 of this title;”.

Par. (2), Pub. L. 104–235, §110(2)(A), (3), redesignated par. (4) as (2) and amended it generally. Prior to amend-

\(^1\) So in original. The semicolon probably should be a period.
ment, par. (2) read as follows: “the term ‘child abuse and neglect’ means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child by a person who is responsible for the child’s welfare, under circumstances which indicate that the child’s health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary.”

Pub. L. 104–235, §110(1) struck out par. (2) which read as follows: “the term ‘Center’ means the National Center on Child Abuse and Neglect established under section 5101 of this title;”.

(b) Availability of funds without fiscal year limitation


PRIOR PROVISIONS

A prior section 112 of Pub. L. 93–247 was renumbered section 110 and is classified to section 5106 of this title.

AMENDMENTS


2003—Subsec. (a)(1). Pub. L. 108–36, §117(a), amended heading and text of par. (1) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subchapter, $100,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 1998 through 2001.”


1996—Subsec. (a). Pub. L. 104–235 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows:

“(1) Authorization.—There are authorized to be appropriated to carry out this subchapter, except for section 5106a–1 of this title, $100,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

“(2) Allocations.—

“(A) Of the amounts appropriated under paragraph (1) for a fiscal year, $5,000,000 shall be available for the purpose of making additional grants to the States to carry out the provisions of section 5106a(g) of this title.

“(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A)—

“(i) 35 percent shall be available for activities under sections 5104, 5105, and 5106 of this title; and

“(ii) 66 percent of such amounts shall be made available in each such fiscal year for activities under sections 5106a(a) and 5106b of this title.

1992—Subsec. (a). Pub. L. 102–295 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “There are authorized to be appropriated for purposes of carrying out this subchapter $49,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991. Of the funds appropriated for any fiscal year under this section, except as provided in the succeeding sentence, 33 percent of such amounts shall be available for activities under sections 5104, 5105, and 5106 of this title, and (B), $9,000,000 shall be available in each fiscal year for activities under sections 5106a(a) and 5106b of this title, giving special consideration to continued funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services) of national or regional scope and demonstrated effectiveness, 33 percent of such amounts shall be available in each such fiscal year for grants and contracts under section 5106a(c) of this title, for identification, treatment, and prevention of sexual abuse, and (C) $5,000,000 shall be available in each such fiscal year for the purpose of making additional grants to the States to carry out the provisions of section 5106a(c) of this title. With respect to any fiscal year in which the total amount appropriated under this section is less than $30,000,000, no less than $20,000,000 of the funds appropriated in such fiscal year shall be available as provided in clause (1) in the preceding sentence and of the remainder, one-half shall be available as provided for in clause (2) and one-half as provided for in clause (3) in the preceding sentence.”

§ 5106h. Authorization of appropriations

(a) In general

(1) General authorization

There are authorized to be appropriated to carry out this subchapter $120,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2015.

(2) Discretionary activities

(A) In general

Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available 30 percent of such amounts to fund discretionary activities under this subchapter.

(B) Demonstration projects

Of the amounts made available for a fiscal year under subparagraph (A), the Secretary shall make available not more than 40 percent of such amounts to carry out section 5106 of this title.

(b) Availability of funds without fiscal year limitation

The Secretary shall ensure that funds appropriated pursuant to authorizations in this subchapter shall remain available until expended for the purposes for which they were appropriated.