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PUBLIC LAW 102-236 [S. 1532]  
DECEMBER 12, 1991  
ABANDONED INFANTS ASSISTANCE ACT AMENDMENTS OF 1991

102 P.L. 236; 105 Stat. 1812; 1991 Enacted S. 1532; 102 Enacted S. 1532

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An Act To revise and extend the programs under the Abandoned Infants Assistance Act of 1988.

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

[\*1]

SECTION 1. <42 USC 670 note> SHORT TITLE.

This Act may be cited as the "Abandoned Infants Assistance Act Amendments of 1991".

[\*2]

SEC. 2. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended --

- (1) in paragraph (3), by striking "the vast majority" and inserting "an unacceptable number";
- (2) in paragraph (6), by striking "the number of cases" and all that follows and inserting the following: "the number of infants and young children who are infected with the human immunodeficiency virus (which is believed to cause acquired immune deficiency syndrome and which is commonly known as HIV) or who have been perinatally exposed to the virus or to a dangerous drug;"
- (3) in paragraph (7) --
  - (A) by striking "more than 80 percent of" and inserting "many such" before "infants"; and
  - (B) by striking "with acquired immune deficiency syndrome";
- (4) in paragraph (8) --
  - (A) by inserting "such" before "infants"; and
  - (B) by striking "with acquired immune deficiency syndrome"; and
- (5)(A) in paragraph (9), by striking "and" at the end;
- (B) by redesignating paragraph (10) as paragraph (11); and
- (C) by inserting after paragraph (9) the following new paragraph:

"(10) there is a need to support the families of such infants and young children through the provision of services that will prevent the abandonment of the infants and children; and".

[\*3]

102 P.L. 236, \*; 105 Stat. 1812, \*\*;  
1991 Enacted S. 1532; 102 Enacted S. 1532

SEC. 3. PROGRAM OF DEMONSTRATION PROJECTS REGARDING INFANTS AND YOUNG CHILDREN ABANDONED IN HOSPITALS.

(a) Priority Regarding Certain Infants and Young Children. --

- (1) In general. Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended --  
(A) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and  
(B) by inserting after subsection (a) the following new subsection:

[\*\*1813] "(b) Priority in Provision of Services. The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that, in carrying out the purpose described in subsection (a) (other than with respect to paragraph (6) of such subsection), the applicant will give priority to abandoned infants and young children --

- "(1) who are infected with the human immunodeficiency virus or who have been perinatally exposed to the virus; or  
"(2) who have been perinatally exposed to a dangerous drug."

(2) Conforming amendments. Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended --

- (A) in subsection (a) --  
(i) in paragraph (6), by striking "with acquired immune deficiency syndrome" and inserting "described in subsection (b)";  
(ii) in each of paragraphs (2), (4), (5), and (7), by striking ", particularly those with acquired immune deficiency syndrome"; and  
(iii) in paragraph (3), by striking ", particularly those with acquired immune deficiency syndrome."; and  
(B) in subsection (d)(1) (as redesignated by paragraph (1)(A) of this subsection), by striking "(d)" and inserting "(e)".

(b) Comprehensive Service Centers. Section 101(a) of the Abandoned Infants Assistance Act of 1988, as amended by subsection (a) of this section, is amended --

- (1) in paragraph (6), by striking "and" after the semicolon at the end;  
(2) in paragraph (7), by striking the period at the end and inserting "; and"; and  
(3) by adding at the end the following new paragraph:  
"(8) to prevent the abandonment of infants and young children, and to care for the infants and young children who have been abandoned, through model programs providing health, educational, and social services at a single site in a geographic area in which a significant number of infants and young children described in subsection (b) reside (with special consideration given to applications from entities that will provide the services of the project through community-based organizations)."

(c) Other Revisions Regarding Purpose of Grants. Section 101(a) of the Abandoned Infants Assistance Act of 1988, as amended by subsections (a) and (b) of this section, is amended --

- (1) in paragraph (1), by inserting before the semicolon the following: ", including the provision of services to members of the natural family for any condition that increases the probability of abandonment of an infant or young child"; and  
(2) in paragraph (5), by inserting before the semicolon the following: "who are unable to reside with their families or to be placed in foster care".

(d) Administration of Grant. Section 101(d) of the Abandoned Infants Assistance Act of 1988, as redesignated and amended by subsection (a) of this section, is amended --

- (1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);  
[\*\*1814] (2) in the matter preceding subparagraph (A) (as so redesignated), by striking "(d) Administration" and all that follows through "The Secretary" and inserting the following:

"(d) Administration of Grant. --

- "(1) The Secretary";  
(3) by moving each of subparagraphs (A) through (D) (as so redesignated) 2 ems to the right; and  
(4) by adding at the end the following new paragraph:  
"(2) Subject to the availability of amounts made available in appropriations Acts for the fiscal year involved, the duration of a grant under subsection (a) shall be for a period of 3 years, except that the Secretary --

102 P.L. 236, \*; 105 Stat. 1812, \*\*;  
1991 Enacted S. 1532; 102 Enacted S. 1532

"(A) may terminate the grant if the Secretary determines that the entity involved has substantially failed to comply with the agreements required as a condition of the provision of the grant; and

"(B) shall continue the grant for one additional year if the Secretary determines that the entity has satisfactorily complied with such agreements.".

[\*4]

#### SEC. 4. EVALUATIONS, STUDIES, AND REPORTS BY SECRETARY.

(a) Dissemination of Information to Individuals With Special Needs. Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended --

- (1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and
- (2) by inserting after subsection (a) the following new subsection:

"(b) Dissemination of Information to Individuals With Special Needs. --

"(1)(A) The Secretary may enter into contracts or cooperative agreements with public or nonprofit private entities for the development and operation of model projects to disseminate the information described in subparagraph (B) to individuals who are disproportionately at risk of dysfunctional behaviors that lead to the abandonment of infants or young children.

"(B) The information referred to in subparagraph (A) is information on the availability to individuals described in such subparagraph, and the families of the individuals, of financial assistance and services under Federal, State, local, and private programs providing health services, mental health services, educational services, housing services, social services, or other appropriate services.

"(2) The Secretary may not provide a contract or cooperative agreement under paragraph (1) to an entity unless --

"(A) the entity has demonstrated expertise in the functions with respect to which such financial assistance is to be provided; and

"(B) the entity agrees that in disseminating information on programs described in such paragraph, the entity will give priority --

"(i) to providing the information to individuals described in such paragraph who --

"(I) engage in the abuse of alcohol or drugs, who are infected with the human immunodeficiency virus, or who have limited proficiency in speaking the English language; or

[\*\*1815] "(II) have been historically underserved in the provision of the information; and

"(ii) to providing information on programs that are operated in the geographic area in which the individuals involved reside and that will assist in eliminating or reducing the extent of behaviors described in such paragraph.

"(3) In providing contracts and cooperative agreements under paragraph (1), the Secretary may not provide more than 1 such contract or agreement with respect to any geographic area.

"(4) Subject to the availability of amounts made available in appropriations Acts for the fiscal year involved, the duration of a contract or cooperative agreement under paragraph (1) shall be for a period of 3 years, except that the Secretary may terminate such financial assistance if the Secretary determines that the entity involved has substantially failed to comply with the agreements required as a condition of the provision of the assistance.".

(b) Study. Section 102(c) of the Abandoned Infants Assistance Act of 1988, <42 USC 670 note> as amended by subsection (a) of this subsection, is amended --

(1) in paragraph (1)(A), by striking "infants who have acquired immune deficiency syndrome" and inserting "infants and young children who are infants and young children described in section 101(b)"; and

(2) in paragraph (2), by striking "The Secretary and all that follows through "Act," and inserting the following: "Not later than April 1, 1992, the Secretary shall".

[\*5]

#### SEC. 5. DEFINITIONS.

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 103. DEFINITIONS.

"For purposes of this title:

102 P.L. 236, \*; 105 Stat. 1812, \*\*;  
1991 Enacted S. 1532; 102 Enacted S. 1532

"(1) The terms 'abandoned' and 'abandonment', with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

"(2) The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act.

"(3) The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this Act."

[\*6]

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "For the purpose" and all that follows and inserting the following:

"(a) In General. --

"(1) For the purpose of carrying out this title (other than section 102(b)), there are authorized to be appropriated \$ 20,000,000 for fiscal year 1992, \$ 25,000,000 for fiscal year 1993, [\*\*1816] \$ 30,000,000 for fiscal year 1994, and \$ 35,000,000 for fiscal year 1995.

"(2)(A) Of the amounts appropriated under paragraph (1) for any fiscal year in excess of the amount appropriated under this subsection for fiscal year 1991, as adjusted in accordance with subparagraph (B), the Secretary shall make available not less than 50 percent for grants under section 101(a) to carry out projects described in paragraph (8) of such section.

"(B) For purposes of subparagraph (A), the amount relating to fiscal year 1991 shall be adjusted for a fiscal year to a greater amount to the extent necessary to reflect the percentage increase in the consumer price index for all urban consumers (U.S. city average) for the 12-month period ending with March of the preceding fiscal year.

"(3) Not more than 5 percent of the amounts appropriate under paragraph (1) for any fiscal year may be obligated for carrying out section 102(a).

"(b) Dissemination of Information for Individuals With Special Needs. For the purpose of carrying out section 102(b), there is authorized to be appropriated \$ 5,000,000 for each of the fiscal years 1992 through 1995.

"(c) Administrative Expenses. --

"(1) For the purpose of the administration of this title by the Secretary, there is authorized to be appropriated for each fiscal year specified in subsection (a)(1) an amount equal to 5 percent of the amount authorized in such subsection to be appropriated for the fiscal year. With respect to the amounts appropriated under such subsection, the preceding sentence may not be construed to prohibit the expenditure of the amounts for the purpose described in such sentence.

"(2) The Secretary may not obligate any of the amounts appropriated under paragraph (1) for a fiscal year unless, from the amounts appropriated under subsection (a)(1) for the fiscal year, the Secretary has obligated for the purpose described in such paragraph an amount equal to the amounts obligated by the Secretary for such purpose in fiscal year 1991.

"(d) Availability of Funds. Amounts appropriated under this section shall remain available until expended."

[\*7]

#### SEC. 7. CONFORMING AMENDMENT.

The heading for title I of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"TITLE I -- PROJECTS REGARDING ABANDONMENT OF INFANTS AND YOUNG CHILDREN  
IN HOSPITALS".

[\*8]

102 P.L. 236, \*; 105 Stat. 1812, \*\*;  
1991 Enacted S. 1532; 102 Enacted S. 1532

SEC. 8. TERMINATION OF PROGRAM.

Section 105 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is repealed.

[\*9]

SEC. 9. OLDER WORKERS BENEFIT PROTECTION ACT AMENDMENT.

Amend section 105 of the Older Workers Benefit Protection Act (Public Law 101-433) <29 USC 623 note> by striking the semicolon at the end of paragraph (b)(1) and inserting thereafter the following: "; or that is a [\*\*1817] result of pattern collective bargaining in an industry where the agreement setting the pattern was ratified after September 20, 1990, but prior to the date of enactment, and the final agreement in the industry adhering to the pattern was ratified after the date of enactment, but not later than November 20, 1990;".

Speaker of the House of Representatives.

Vice President of the United States and

President of the Senate.

**DESCRIPTORS:** DEPARTMENT OF HEALTH AND HUMAN SERVICES; FEDERAL AID TO STATES: PUBLIC WELFARE PROGRAMS; FEDERAL AID TO LOCAL GOVERNMENTS: PUBLIC WELFARE PROGRAMS; NONPROFIT ORGANIZATIONS; HOSPITALS AND NURSING HOMES; DEMONSTRATION AND PILOT PROJECTS; FAMILY ABANDONMENT; ACQUIRED IMMUNE DEFICIENCY SYNDROME; DRUGS AND YOUTH; CHILD WELFARE; FOSTER HOME CARE; AGE DISCRIMINATION; EMPLOYEE BENEFIT PLANS; GOVERNMENT AND BUSINESS