

assistance (including training) with respect to the planning, development, and operation of projects described in such subsection. The Secretary may provide such technical assistance directly, through contracts, or through grants.

(g) Technical assistance with respect to process of applying for grant

The Secretary may provide technical assistance (including training) to public and nonprofit private entities with respect to the process of applying to the Secretary for a grant under subsection (a). The Secretary may provide such technical assistance directly, through contracts, or through grants.

(h) Priority requirement

In making grants under subsection (a), the Secretary shall give priority to applicants located in States that have developed and implemented procedures for expedited termination of parental rights and placement for adoption of infants determined to be abandoned under State law.

(Pub. L. 100-505, title I, §101, Oct. 18, 1988, 102 Stat. 2534; Pub. L. 102-236, §3, Dec. 12, 1991, 105 Stat. 1812; Pub. L. 104-235, title II, §221, Oct. 3, 1996, 110 Stat. 3091; Pub. L. 108-36, title III, §302, June 25, 2003, 117 Stat. 823.)

AMENDMENTS

2003—Pub. L. 108-36, §302(1), substituted “Establishment of local projects” for “Establishment of program of demonstration projects” in section catchline.

Subsec. (b). Pub. L. 108-36, §302(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “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.”

1996—Subsec. (h). Pub. L. 104-235 added subsec. (h).

1991—Subsec. (a)(1). Pub. L. 102-236, §3(c)(1), inserted before semicolon at end “, 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”.

Subsec. (a)(2). Pub. L. 102-236, §3(a)(2)(A)(ii), struck out “, particularly those with acquired immune deficiency syndrome” after “young children”.

Subsec. (a)(3). Pub. L. 102-236, §3(a)(2)(A)(iii), struck out “, particularly those with acquired immune deficiency syndrome,” after “young children”.

Subsec. (a)(4). Pub. L. 102-236, §3(a)(2)(A)(ii), struck out “, particularly those with acquired immune deficiency syndrome” after “young children”.

Subsec. (a)(5). Pub. L. 102-236, §3(a)(2)(A)(ii), (c)(2), substituted “who are unable to reside with their families or to be placed in foster care” for “, particularly those with acquired immune deficiency syndrome”.

Subsec. (a)(6). Pub. L. 102-236, §3(a)(2)(A)(i), substituted “described in subsection (b)” for “with acquired immune deficiency syndrome”.

Subsec. (a)(7). Pub. L. 102-236, §3(a)(2)(A)(ii), struck out “, particularly those with acquired immune deficiency syndrome” after “young children”.

Subsec. (a)(8). Pub. L. 102-236, §3(b), added par. (8).

Subsecs. (b), (c). Pub. L. 102-236, §3(a)(1), added subsec. (b) and redesignated former subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 102-236, §3(d), designated existing provisions as par. (1), redesignated former pars. (1) to (4) as subpars. (A) to (D), respectively, realigned margins, and added par. (2).

Pub. L. 102-236, §3(a)(1)(A), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(1). Pub. L. 102-236, §3(a)(2)(B), substituted “subsection (e)” for “subsection (d)”.

Subsecs. (e) to (g). Pub. L. 102-236, §3(a)(1)(A), redesignated subsecs. (d) to (f) as (e) to (g), respectively.

§ 5117aa-12. Evaluations, study, and reports by Secretary

(a) Evaluations of local programs

The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 5117aa-11 of this title and for the dissemination of information developed as a result of such projects.

(b) Study and report on number of abandoned infants and young children

(1) In general

The Secretary shall conduct a study for the purpose of determining—

(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 5117aa-11(b) of this title;

(B) an estimate of the annual number of infants and young children who are victims of homicide;

(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant’s birth; and

(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

(2) Deadline

Not later than 36 months after June 25, 2003, the Secretary shall complete the study required under paragraph (1) and submit to Congress a report describing the findings made as a result of the study.

(c) Evaluation

The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.

(Pub. L. 100-505, title I, §102, Oct. 18, 1988, 102 Stat. 2535; Pub. L. 102-236, §4, Dec. 12, 1991, 105 Stat. 1814; Pub. L. 108-36, title III, §303, June 25, 2003, 117 Stat. 823.)

AMENDMENTS

2003—Pub. L. 108-36 amended section generally. Prior to amendment, text consisted of subsecs. (a) to (d) relating to evaluations of demonstration projects, dissemination of information on assistance programs to individuals with special needs, a study and report on the estimated number of abandoned children to be completed by Apr. 1, 1992, and a study and report on effective care methods to be completed by Apr. 1, 1991.

1991—Subsec. (b). Pub. L. 102-236, §4(a)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 102-236, §4(a)(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (c)(1)(A). Pub. L. 102-236, §4(b)(1), substituted “infants and young children who are infants and young children described in section 5117aa-11(b) of this title” for “infants who have acquired immune deficiency syndrome”.

Subsec. (c)(2). Pub. L. 102-236, §4(b)(2), which directed striking out “The Secretary and all that follows through ‘Act,’” and inserting “Not later than April 1, 1992, the Secretary shall”, was executed by making the substitution for “The Secretary shall, not later than 12 months after the date of the enactment of this Act,” to reflect the probable intent of Congress.

Subsec. (d). Pub. L. 102-236, §4(a)(1), redesignated subsec. (c) as (d).

PART B—GENERAL PROVISIONS

§ 5117aa-21. Definitions

In this subchapter:

(1) Abandoned; abandonment

The terms “abandoned” and “abandonment”, used 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) Dangerous drug

The term “dangerous drug” means a controlled substance, as defined in section 802 of title 21.

(3) Natural family

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 subchapter.

(4) Secretary

The term “Secretary” means the Secretary of Health and Human Services.

(Pub. L. 100-505, title III, §301, Oct. 18, 1988, 102 Stat. 2537; Pub. L. 108-36, title III, §305(a), June 25, 2003, 117 Stat. 824; Pub. L. 111-320, title IV, §401(c), Dec. 20, 2010, 124 Stat. 3513.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act”, meaning Pub. L. 100-505, Oct. 18, 1988, 102 Stat. 2533, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 5101 of this title and Tables.

AMENDMENTS

2010—Pars. (2) to (5). Pub. L. 111-320 redesignated pars. (3) to (5) as (2) to (4), respectively, and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “The term ‘acquired immune deficiency syndrome’ includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.”

2003—Pub. L. 108-36 amended section generally. Prior to amendment, section defined “acquired immune deficiency syndrome” and “Secretary”.

§ 5117aa-22. Authorization of appropriations

(a) In general

(1) Authorization

For the purpose of carrying out this subchapter, there are authorized to be appropriated \$45,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011 through 2015.

(2) Limitation

Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 5117aa-12(a) of this title.

(b) Administrative expenses

(1) Authorization

For the purpose of the administration of this subchapter 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) Limitation

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 2010.

(c) Availability of funds

Amounts appropriated under this section shall remain available until expended.

(Pub. L. 100-505, title III, §302, formerly title I, §104, Oct. 18, 1988, 102 Stat. 2536; Pub. L. 102-236, §6, Dec. 12, 1991, 105 Stat. 1815; Pub. L. 104-235, title II, §222, Oct. 3, 1996, 110 Stat. 3092; renumbered title III, §302, and amended Pub. L. 108-36, title III, §304, June 25, 2003, 117 Stat. 824; Pub. L. 111-320, title IV, §401(d), Dec. 20, 2010, 124 Stat. 3513.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act”, meaning Pub. L. 100-505, Oct. 18, 1988, 102 Stat. 2533, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 5101 of this title and Tables.

AMENDMENTS

2010—Subsec. (a)(1). Pub. L. 111-320, §401(d)(1), substituted “2010” for “2004” and “2011 through 2015” for “2005 through 2008”.

Subsec. (b)(2). Pub. L. 111-320, §401(d)(2), substituted “fiscal year 2010” for “fiscal year 2003”.

2003—Subsec. (a). Pub. L. 108-36, §304(a)(1), added subsec. (a) and struck out former subsec. (a) which authorized appropriations, with certain limitations, for fiscal years 1997 to 2001.

Subsec. (b). Pub. L. 108-36, §304(a)(2), (4), redesignated subsec. (c) as (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “For the pur-