

105TH CONGRESS
1ST SESSION

H. R. 2919

To establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1997

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on National Security, Banking and Financial Services, Ways and Means, Commerce, Government Reform and Oversight, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Omnibus Adoption Act
5 of 1997”.

1 **TITLE I—NATIONAL ADVISORY**
2 **BOARD ON ADOPTION**

3 **SEC. 101. NATIONAL ADVISORY COUNCIL ON ADOPTION.**

4 (a) **ESTABLISHMENT.**—There is hereby established
5 the National Advisory Board on Adoption (in this section
6 referred to as the “Board”).

7 (b) **MEMBERSHIP.**—Not later than 90 days after the
8 date of the enactment of this Act, the Secretary of Health
9 and Human Services shall appoint the members of the
10 Board, and shall include in such appointment as Board
11 members representatives of—

12 (1) private, nonprofit organizations involved in
13 child welfare and maternal and child health services,
14 including national organizations representing organi-
15 zations that provide adoption services and maternity
16 housing and services facilities;

17 (2) private, nonprofit organizations represent-
18 ing adopted children, adoptive families or biological
19 parents;

20 (3) organizations and agencies involved with
21 privately arranged and international adoptions;

22 (4) organizations representing State agencies
23 and local government agencies with responsibility for
24 coordinating or regulating adoption services or ma-
25 ternity and housing services facilities; and

1 (5) organizations representing State and local
2 courts or judicial entities with jurisdiction over is-
3 sues of family law.

4 (c) MEETINGS.—The Board shall hold such meetings
5 as may be appropriate, but shall meet at least once every
6 90 days.

7 (d) DUTIES.—The Board shall—

8 (1) monitor on behalf of Congress the imple-
9 mentation of the programs established and activities
10 required under this Act and make such rec-
11 ommendations as it deems appropriate to help carry
12 out the intent of Congress in establishing such pro-
13 grams and requiring such activities;

14 (2) consult with the heads of departments and
15 agencies charged with the responsibility of carrying
16 out such programs and activities; and

17 (3) make such recommendations as it deems ap-
18 propriate, including recommendations regarding ad-
19 ditional legislation, to carry out the purposes of this
20 Act.

21 (e) TERMINATION.—The Board shall terminate at the
22 expiration of the 4-year period that begins on the date
23 of the enactment of this Act.

1 **TITLE II—ADOPTION DATA**
2 **COLLECTION SYSTEM**

3 **SEC. 201. REPORTS ON IMPLEMENTATION OF ADOPTION**
4 **DATA COLLECTION SYSTEM.**

5 (a) REPORT ON STATUS OF FINAL REGULATIONS.—

6 (1) IN GENERAL.—Not later than 30 days after
7 the date of the enactment of this Act, the Secretary
8 of Health and Human Services shall submit to the
9 Congress a report on the status of the implementa-
10 tion of the data collection system required pursuant
11 to section 479 of the Social Security Act.

12 (2) SPECIFIC ASSURANCES REQUIRED.—The re-
13 port described in paragraph (1) shall include specific
14 assurances that under the data collection system—

15 (A) unnecessary diversions of resources
16 from agencies responsible for adoption and fos-
17 ter care shall be avoided;

18 (B) uniform definitions and methodologies
19 shall be used to ensure that any data collected
20 is reliable and consistent over time and among
21 jurisdictions;

22 (C) comprehensive national information
23 shall be provided with respect to—

1 (i) the demographic characteristics of
2 all adopted and foster children and their
3 biological and adoptive or foster parents,

4 (ii) the status of the foster care popu-
5 lation, including the number of children in
6 foster care, the number, length and type of
7 placement, availability for adoption, avail-
8 ability for group care, and goals for ending
9 or continuing foster care,

10 (iii) the number and demographic
11 characteristics of all children placed in or
12 removed from foster care, children adopt-
13 ed, and children with respect to whom
14 adoptions have been terminated, and

15 (iv) the extent and nature of assist-
16 ance provided by Federal, State, and local
17 adoption and foster care programs and the
18 characteristics of the children with respect
19 to whom such assistance is provided; and

20 (D) appropriate requirements and incen-
21 tives shall be implemented to ensure that the
22 system functions reliably throughout the United
23 States.

24 (b) MONTHLY PROGRESS REPORTS.—Every 30 days
25 after the report described in subsection (a) is required to

1 be submitted, the Secretary of Health and Human Serv-
 2 ices shall submit to the Congress reports on the progress
 3 made in implementing the data collection system referred
 4 to in subsection (a).

5 (c) CONSULTATION WITH ADVISORY BOARD.—In de-
 6 veloping regulations needed to carry out this section, the
 7 Secretary of Health and Human Services shall consult
 8 with the National Advisory Board on Adoption established
 9 under section 101(a).

10 **TITLE III—ADOPTION**
 11 **EDUCATION PROGRAMS**

12 **SEC. 301. SOCIAL WORK GRADUATE STUDY FELLOWSHIPS.**

13 (a) PROGRAM ESTABLISHMENT.—Title IX of the
 14 Higher Education Act of 1965 is amended by adding at
 15 the end the following new part:

16 **“PART H—SOCIAL WORK GRADUATE STUDY**

17 **“SEC. 981. AWARD OF FELLOWSHIPS.**

18 “(a) IN GENERAL.—From the amount appropriated
 19 to carry out this part, the Secretary shall award not more
 20 than 50 fellowships in accordance with the provisions of
 21 this part for study in graduate schools of social work that
 22 offer innovative programs described in subsection (b) to
 23 students selected on the basis of demonstrated achieve-
 24 ment and exceptional promise. The fellowships shall be

1 awarded for only one academic year of study and shall
2 be renewable for two additional years.

3 “(b) INNOVATIVE PROGRAMS DEFINED.—The pro-
4 grams described in this subsection are innovative pro-
5 grams concerning the effects of adoption on the children
6 who are adopted, the families who adopt children and the
7 biological parents who make an adoption plan. Acceptable
8 purposes for such programs include: basic research on the
9 short-term and long-term effects of adoption on adopted
10 children, biological parents and adoptive families; develop-
11 ment of model curriculum and instructional programs to
12 assist adopted children, biological parents and adoptive
13 families; development of innovative programs to counsel
14 pregnant women on the availability and benefits of choos-
15 ing to make an adoption plan; and any other program de-
16 termined to be consistent with the purposes of this section.

17 “(c) STUDENT SELECTION PROCEDURES.—The Sec-
18 retary shall, by regulation, establish such selection proce-
19 dures as are appropriate to carry out the purposes of this
20 part.

21 **“SEC. 982. STIPENDS.**

22 “(a) AWARD BY SECRETARY.—The Secretary shall
23 pay to individuals awarded fellowships under this part
24 such stipends (including such allowances for subsistence
25 and other expenses for such individuals and their depend-

1 ents) as the Secretary may determine to be appropriate,
2 adjusting such stipends as necessary so as not to exceed
3 the fellow's demonstrated level of need according to meas-
4 urements of need approved by the Secretary. The stipend
5 levels established by the Secretary shall reflect the purpose
6 of this program to encourage highly talented students to
7 undertake graduate study and shall provide a level of sup-
8 port comparable to that provided by federally funded grad-
9 uate fellowships in the science and engineering fields.

10 “(b) INSTITUTIONAL PAYMENTS.—(1) The Secretary
11 shall (in addition to the stipends paid to individuals under
12 subsection (a)) pay to the institution of higher education,
13 for each individual awarded a fellowship for pursuing a
14 course at such institution, \$6,000, except that such
15 amount charged to a fellowship recipient and collected
16 from such recipient for tuition and other expenses re-
17 quired by the institution as part of the recipient's instruc-
18 tional program shall be deducted from the payment of the
19 institution under this subsection.

20 “(2) Subject to the availability of appropriations,
21 amounts payable to an institution by the Secretary pursu-
22 ant to this subsection shall not be reduced for any purpose
23 other than the purposes specified under paragraph (1).

1 **“SEC. 983. FELLOWSHIP CONDITIONS.**

2 “(a) REQUIREMENTS FOR RECEIPT.—An individual
3 awarded a fellowship under the provisions of this part
4 shall continue to receive payments provided in section 982
5 only during such periods as the Secretary finds that he
6 is maintaining satisfactory proficiency in, and devoting es-
7 sentially full time to, study or research in the field in
8 which such fellowship was awarded, in an institution of
9 higher education, and is not engaging in gainful employ-
10 ment other than part-time employment by such institution
11 in teaching, research, or similar activities, approved by the
12 Secretary.

13 “(b) REPORTS FROM RECIPIENTS.—The Secretary is
14 authorized to require reports containing such information
15 in such form and to file at such times as the Secretary
16 determines necessary from any person awarded a fellow-
17 ship under the provisions of this part. The reports shall
18 be accompanied by a certificate from an appropriate offi-
19 cial at the institution of higher education, stating that
20 such individual is making satisfactory progress in, and is
21 devoting essentially full time to the program for which the
22 fellowship was awarded.

23 **“SEC. 984. AUTHORIZATION OF APPROPRIATIONS.**

24 “There are authorized to be appropriated to carry out
25 this part \$1,000,000 for fiscal year 1998, and such sums

1 as may be necessary for each of the 4 succeeding fiscal
2 years.”.

3 (b) CONSULTATION WITH ADVISORY BOARD.—In de-
4 veloping regulations needed to carry out part H of title
5 IX of the Higher Education Act of 1965 (as added by
6 subsection (a)), the Secretary of Education shall consult
7 with the National Advisory Board on Adoption established
8 under section 101(a).

9 **SEC. 302. GRANTS FOR ADOPTION EDUCATION PROGRAMS.**

10 (a) PROGRAM AUTHORIZED.—Not later than 1 year
11 after the date of the enactment of this Act, the Secretary
12 of Education (in this section referred to as the “Sec-
13 retary”) shall make grants to States that agree to adopt
14 programs of adoption education for purposes of carrying
15 out such programs.

16 (b) GRANT AMOUNTS.—The Secretary shall deter-
17 mine the amount of the grant any State is eligible to re-
18 ceive under this section based on the estimated size and
19 cost of the program to be assisted under the grant and
20 the number of children to be served by the program.

21 (c) APPLICATION.—Any State that desires to receive
22 a grant under this section shall submit to the Secretary
23 an application at such time, in such manner, and contain-
24 ing or accompanied by such information and assurances
25 as the Secretary may reasonably require.

1 (d) GUIDELINES.—The Secretary shall by regulation
2 publish guidelines for model adoption programs to be as-
3 sisted under this section.

4 (e) CONSULTATION WITH ADVISORY COUNCIL.—In
5 developing regulations needed to carry out this section, the
6 Secretary shall consult with the National Advisory Council
7 on Adoption established under section 101(a).

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section
10 \$25,000,000 for each of the fiscal years 1998, 1999, and
11 2000.

12 **TITLE IV—ADOPTION BENEFITS**
13 **FOR FEDERAL EMPLOYEES**
14 **AND MILITARY PERSONNEL**

15 **SEC. 401. HEALTH BENEFITS FOR THE BIOLOGICAL MOTH-**
16 **ER OF A CHILD WHO IS ADOPTED BY A FEHBP**
17 **ENROLLEE.**

18 (a) IN GENERAL.—Section 8904(a) of title 5, United
19 States Code, is amended in each of paragraphs (1) and
20 (2) by adding after subparagraph (F) the following new
21 subparagraph:

22 “(G) Prenatal and maternity benefits
23 (other than benefits relating to a surrogate
24 parenting arrangement) for the biological moth-
25 er of an adoptive child of an enrollee.”.

1 (b) SPECIFIC REQUIREMENTS.—Section 8902 of title
2 5, United States Code, is amended by adding at the end
3 the following:

4 “(o)(1) The Office shall by regulation establish mini-
5 mum standards relating to benefits provided by any health
6 benefits plan described in section 8903 or 8903a in con-
7 nection with prenatal or maternity care for the biological
8 mother of a child who is to be adopted by an enrollee,
9 and medical care for such child. Under the regulations,
10 benefits—

11 “(A) shall be payable for care provided after
12 the date as of which the enrollee furnishes written
13 notice (complete with such information and in such
14 form as the Office may reasonably require, except
15 that such information may not include information
16 relating to the identity of the biological parents) of
17 a specific intent to adopt;

18 “(B) shall be contingent on the adoption be-
19 coming final; and

20 “(C) shall not be payable in connection with
21 any surrogate parenting arrangement.

22 “(2) Nothing in this subsection shall be considered
23 to prevent the Office from entering into a contract under
24 which the carrier agrees to provide benefits in connection

1 with care provided on or before the date referred to in
2 paragraph (1)(A).”.

3 **SEC. 402. ADOPTION PROVISIONS RELATING TO MEMBERS**
4 **OF THE UNIFORMED SERVICES.**

5 (a) REIMBURSEMENT OF EXPENSES FOR PRENATAL
6 AND MATERNITY CARE FOR THE BIOLOGICAL MOTHER
7 UNDER DOD ADOPTION PROGRAM.—

8 (1) REIMBURSEMENT.—Subsection (g)(2) of
9 section 1052 of title 10, United States Code, is
10 amended—

11 (A) by striking “and” at the end of sub-
12 paragraph (C); and

13 (B) by striking subparagraph (D) and in-
14 serting the following new subparagraphs:

15 “(D) prenatal and maternity care provided
16 to the biological mother of the child to be
17 adopted on and after the date on which the
18 member notifies the Secretary of Defense, in
19 such manner as the Secretary may require by
20 rule, of the intent of the member to adopt the
21 child of the biological mother; and

22 “(E) medical expenses of a newborn infant
23 to be adopted by the member.”.

24 (2) EXPANSION.—Such section is further
25 amended—

1 (A) in subsections (a), (d), (e), and
2 (g)(2)(C), by striking “armed forces” each
3 place it appears and inserting “uniformed serv-
4 ices”; and

5 (B) by adding at the end of subsection (g)
6 the following new paragraph:

7 “(3) The term ‘uniformed services’ does not in-
8 clude the Coast Guard since members of the Coast
9 Guard are reimbursed for adoption expenses under
10 section 514 of title 14.”.

11 (3) EXCEPTION TO REIMBURSEMENT.—Sub-
12 section (b) of such section is amended by adding at
13 the end the following new sentence: “No reimburse-
14 ment may be made under subsection (a) for ex-
15 penses incurred in carrying out a surrogate
16 parenting arrangement.”.

17 (4) CONFIDENTIALITY.—Subsection (f) of such
18 section is amended by adding at the end the follow-
19 ing new sentence: “The Secretary may not require
20 the member to provide information relating to the
21 identity of the biological mother.”.

22 (5) APPLICATION OF AMENDMENTS.—In the
23 case of a member of the commissioned corps of the
24 National Oceanic and Atmospheric Administration
25 or the commissioned corps of the Public Health

1 Service, section 1052 of title 10, United States
2 Code, as amended by paragraph (2), shall apply with
3 respect to an adoption of a child by such a member
4 that becomes final after September 30, 1997.

5 (b) REIMBURSEMENT OF EXPENSES FOR PRENATAL
6 AND MATERNITY CARE FOR THE BIOLOGICAL MOTHER
7 UNDER COAST GUARD ADOPTION PROGRAM.—

8 (1) REIMBURSEMENT.—Subsection (g)(2) of
9 section 514 of title 14, United States Code, is
10 amended—

11 (A) by striking “and” at the end of sub-
12 paragraph (C); and

13 (B) by striking subparagraph (D) and in-
14 serting the following new subparagraphs:

15 “(D) prenatal and maternity care provided
16 to the biological mother of the child to be
17 adopted on and after the date on which the
18 member notifies the Secretary, in such manner
19 as the Secretary may require by rule, of the in-
20 tent of the member to adopt the child of the bi-
21 ological mother; and

22 “(E) medical expenses of a newborn infant
23 to be adopted by the member.”.

24 (2) EXCEPTION TO REIMBURSEMENT.—Sub-
25 section (b) of such section is amended by adding at

1 the end the following new sentence: “No reimburse-
2 ment may be made under subsection (a) for ex-
3 penses incurred in carrying out a surrogate
4 parenting arrangement.”.

5 (3) CONFIDENTIALITY.—Subsection (f) of such
6 section is amended by adding at the end the follow-
7 ing new sentence: “The Secretary may not require
8 the member to provide information relating to the
9 identity of the biological mother.”.

10 (c) AUTHORIZED CARE FOR MILITARY DEPENDENTS
11 TO INCLUDE PRENATAL CARE.—Section 1077(a)(8) of
12 title 10, United States Code, is amended by striking “Ma-
13 ternity” and inserting “Prenatal, maternity,”.

14 (d) AUTHORIZED CARE FOR ADOPTED CHILDREN TO
15 INCLUDE CARE FOR PREEXISTING CONDITIONS.—Section
16 1077 of title 10, United States Code, is amended by add-
17 ing at the end the following new subsection:

18 “(e) In the case of a child (as described in subpara-
19 graph (B) or (D) of paragraph (6) of section 1072 of this
20 title) of a member of a uniformed service, health care pro-
21 vided under section 1076 of this title shall include care
22 for any condition of the child that predates the date of
23 the adoption of the child.”.

1 **SEC. 403. COORDINATION OF EFFORTS BETWEEN OFFICE**
 2 **OF PERSONNEL MANAGEMENT AND DEPART-**
 3 **MENT OF DEFENSE.**

4 The Director of the Office of Personnel Management,
 5 the Secretary of Defense, and the Secretary of Transpor-
 6 tation shall, to the greatest extent possible—

7 (1) coordinate their efforts in developing regula-
 8 tions and guidelines necessary to carry out their re-
 9 spective responsibilities resulting from the amend-
 10 ments made by sections 401 and 402; and

11 (2) consult with the National Advisory Board
 12 on Adoption established under section 101(a) in de-
 13 veloping such regulations and guidelines.

14 **TITLE V—ADOPTION CREDIT**
 15 **MADE PERMANENT FOR**
 16 **ADOPTIONS OF CHILDREN**
 17 **WITHOUT SPECIAL NEEDS**

18 **SEC. 501. ADOPTION CREDIT MADE PERMANENT FOR ADOP-**
 19 **TIONS OF CHILDREN WITHOUT SPECIAL**
 20 **NEEDS.**

21 (a) IN GENERAL.—Paragraph (2) of section 23(d) of
 22 the Internal Revenue Code of 1986 (defined eligible child)
 23 is amended to read as follows:

24 “(2) ELIGIBLE CHILD.—The term ‘eligible
 25 child’ means any individual who—

26 “(A) has not attained age 18, or

1 “(B) is physically or mentally incapable of
2 caring for himself.”.

3 (b) PERMANENT EXTENSION OF EXCLUSION OF EM-
4 PLOYER-PROVIDED ADOPTION ASSISTANCE.—Section 137
5 of such Code is amended by striking subsection (f) (relat-
6 ing to termination).

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the date of the enactment
9 of this Act.

10 **SEC. 502. SENSE OF CONGRESS ON REFUNDABILITY OF**
11 **ADOPTION EXPENSE CREDIT.**

12 It is the sense of the Congress that, after appropriate
13 studies have been done to evaluate the impact of the credit
14 for adoption expenses under section 23 of the Internal
15 Revenue Code of 1986, consideration should be given to
16 making such credit a refundable credit.

17 **TITLE VI—MATERNAL HEALTH**
18 **CERTIFICATES PROGRAM**

19 **SEC. 601. MATERNAL HEALTH CERTIFICATES FOR ELIGI-**
20 **BLE PREGNANT WOMEN.**

21 (a) ESTABLISHMENT OF MATERNAL HEALTH CER-
22 TIFICATES FOR ELIGIBLE PREGNANT WOMEN.—Not later
23 than 180 days after the date of the enactment of this Act,
24 the Secretary shall establish a program to provide mater-
25 nal health certificates for eligible pregnant women to use

1 to cover expenses incurred in receiving services at a mater-
2 nity and housing services facility or other supervised set-
3 ting.

4 (b) ELIGIBILITY OF INDIVIDUALS.—

5 (1) IN GENERAL.—A pregnant woman is eligi-
6 ble to receive a maternal health certificate under the
7 program established under subsection (a) if the
8 woman—

9 (A) has an annual individual income (de-
10 termined without taking into account the in-
11 come of any parent or guardian of the individ-
12 ual) not greater than 175 percent of the income
13 official poverty line (as defined by the Office of
14 Management and Budget, and revised annually
15 in accordance with section 673(2) of the Omni-
16 bus Budget Reconciliation Act of 1981) applica-
17 ble to such individual; and

18 (B) provides the Secretary with such other
19 information and assurances as the Secretary
20 may require.

21 (2) INCOME OF ESTRANGED SPOUSE NOT IN-
22 CLUDED.—In determining the income of an individ-
23 ual for purposes of paragraph (1)(A), there shall not
24 be included the income of a spouse if the spouse has

1 been living apart from the woman for not less than
2 6 months.

3 (3) PARTICIPATION IN AFDC PROGRAM NOT RE-
4 QUIRED.—An individual otherwise eligible to receive
5 a maternal health certificate under the program es-
6 tablished under subsection (a) shall not be found in-
7 eligible to receive such a certificate solely on the
8 grounds that the individual does not receive aid
9 under the State plan for aid to families with depend-
10 ent children under part A of title IV of the Social
11 Security Act.

12 (c) LIMITATIONS ON AMOUNT OF EXPENSES IN-
13 CURRED.—A certificate received under the program estab-
14 lished under subsection (a) may be used to cover an
15 amount of expenses incurred by an individual at a mater-
16 nity housing and services facility that does not exceed an
17 amount equal to—

18 (1) \$125; multiplied by

19 (2) the number of days during which such serv-
20 ices are provided to the individual at such facility.

21 (d) CONSULTATION WITH ADVISORY BOARD.—In de-
22 veloping regulations needed to carry out the program es-
23 tablished under subsection (a), the Secretary shall consult
24 with the National Advisory Board on Adoption established
25 under section 101(a).

1 (e) DEFINITIONS.—For purposes of this section:

2 (1) MATERNITY AND HOUSING SERVICES FACIL-
3 ITY.—The term “maternity and housing services fa-
4 cility” means a nonprofit facility or supervised set-
5 ting licensed or otherwise approved by the State in
6 which the facility is located to serve as a residence
7 for not fewer than 4 pregnant women during preg-
8 nancy and for a limited period after the date on
9 which the child carried during the pregnancy is
10 born, as the Secretary may determine, that provides
11 such pregnant women with appropriate supportive
12 services, which may include the following supportive
13 services:

14 (A) Room and board.

15 (B) Medical care (provided either at the
16 facility or off-site) for the woman and her child,
17 including prenatal, delivery, and post-delivery
18 care.

19 (C) Instruction and counseling regarding
20 future health care for the woman and her child.

21 (D) Nutrition services and nutrition coun-
22 seling.

23 (E) Counseling and education concerning
24 all aspects of prenatal care, childbirth, and
25 motherhood.

1 (F) General family counseling, including
2 child and family development counseling.

3 (G) Adoption counseling.

4 (H) Vocational and educational counseling
5 and services.

6 (I) Basic transportation services to enable
7 the woman to obtain services from the facility.

8 (2) PREGNANT WOMAN.—The term “pregnant
9 woman” means a woman determined to have one or
10 more fetuses in utero.

11 (3) SECRETARY.—The term “Secretary” means
12 the Secretary of Health and Human Services.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated for maternal health cer-
15 tificates under this section—

16 (1) \$50,000,000 for fiscal year 1998;

17 (2) \$75,000,000 for fiscal year 1999; and

18 (3) \$100,000,000 for fiscal year 2000.

19 **TITLE VII—REHABILITATION**
20 **GRANTS FOR MATERNITY**
21 **HOUSING AND SERVICES FA-**
22 **CILITIES**

23 **SEC. 701. ESTABLISHMENT OF GRANT PROGRAM.**

24 The Secretary of Housing and Urban Development
25 shall carry out a program to provide assistance under this

1 title to eligible nonprofit entities for rehabilitation of exist-
2 ing structures for use as facilities to provide housing and
3 services to pregnant women.

4 **SEC. 702. AUTHORITY AND APPLICATIONS.**

5 (a) **AUTHORITY.**—The Secretary may make grants
6 under the program under this title to eligible nonprofit
7 entities to rehabilitate existing structures for use as ma-
8 ternity housing and services facilities.

9 (b) **APPLICATIONS.**—The Secretary may make grants
10 only to nonprofit entities that submit applications for
11 grants under this title in the form and manner that the
12 Secretary shall prescribe, which shall include assurances
13 that grant amounts will be used to provide a maternity
14 housing and services facility.

15 **SEC. 703. GRANT LIMITATIONS.**

16 (a) **MAXIMUM GRANT AMOUNT.**—A grant under this
17 title may not be in an amount greater than \$1,000,000.
18 An eligible nonprofit entity may not receive more than 1
19 grant under this title in any fiscal year.

20 (b) **MAXIMUM NUMBER OF GRANTS.**—The Secretary
21 may not make grants under this title to more than 100
22 eligible nonprofit entities in any fiscal year.

23 (c) **USE OF GRANTS FOR REHABILITATION ACTIVI-**
24 **TIES.**—Any eligible nonprofit entity that receives a grant
25 under this title shall use the grant amounts for the acqui-

1 sition or rehabilitation (or both) of existing structures for
2 use as a maternity housing and services facility, which
3 may include planning and development costs, professional
4 fees, and administrative costs related to such acquisition
5 or rehabilitation.

6 **SEC. 704. REPORTS.**

7 The Secretary shall require each eligible nonprofit en-
8 tity that receives a grant under this title to submit to the
9 Secretary a report, at such times and including such infor-
10 mation as the Secretary shall determine, describing the
11 activities carried out by the eligible nonprofit entity with
12 the grant amounts.

13 **SEC. 705. DEFINITIONS.**

14 For purposes of this title:

15 (1) **ELIGIBLE NONPROFIT ENTITIES.**—The term
16 “eligible nonprofit entity” means any organization
17 that—

18 (A) is described in section 501(c)(3) of the
19 Internal Revenue Code of 1986 that is exempt
20 from taxation under subtitle A of such Code;
21 and

22 (B) has submitted an application under
23 section 702(b) for a grant under this title.

24 (2) **MATERNITY HOUSING AND SERVICES FACIL-**
25 **ITY.**—The term “maternity housing and services fa-

1 cility” means a facility licensed or otherwise ap-
2 proved by the State in which the facility is located
3 to serve as a residence for not fewer than 4 preg-
4 nant women during pregnancy and for a limited pe-
5 riod after the date on which the child carried during
6 the pregnancy is born, as the Secretary may deter-
7 mine, that provides such pregnant women with ap-
8 propriate supportive services, which may include the
9 following services:

10 (A) Room and board.

11 (B) Medical care for the woman and her
12 child, including prenatal, delivery, and post-de-
13 livery care.

14 (C) Instruction and counseling regarding
15 future health care for the woman and her child.

16 (D) Nutrition services and nutrition coun-
17 seling.

18 (E) Counseling and education concerning
19 all aspects of prenatal care, childbirth, and
20 motherhood.

21 (F) General family counseling, including
22 child and family development counseling.

23 (G) Adoption counseling.

24 (H) Vocational and educational counseling
25 and services.

1 (I) Basic transportation services to enable
2 the woman to obtain services from the facility.

3 (J) Any other appropriate supportive serv-
4 ices.

5 (3) PREGNANT WOMAN.—The term “pregnant
6 woman” means a woman determined to have one or
7 more fetuses in utero.

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of Housing and Urban Development.

10 **SEC. 706. REGULATIONS AND CONSULTATION WITH ADVI-**
11 **SORY BOARD.**

12 The Secretary shall issue any regulations necessary
13 to carry out this title. In developing such regulations, the
14 Secretary shall consult with the National Advisory Board
15 on Adoption established under section 101(a).

16 **SEC. 707. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out
18 this title \$25,000,000 for fiscal year 1998, \$40,000,000
19 for fiscal year 1999, and \$60,000,000 for fiscal year 2000.

20 **TITLE VIII—SENSE OF CON-**
21 **GRESS REGARDING CHANGES**
22 **IN STATE ADOPTION LAWS**

23 **SEC. 801. SENSE OF CONGRESS.**

24 (a) IN GENERAL.—It is the sense of Congress that
25 each State should adopt, and assume responsibility for en-

1 forcing, laws, rules, or regulations that would provide
2 that—

3 (1) the State shall make available to a prospec-
4 tive adoptive parent all relevant information with re-
5 spect to the placement of the child for adoption, in-
6 cluding information with respect to the medical, so-
7 cial, and economic history and ethnic background of
8 the child and the child’s biological parents (except to
9 the extent that such information would identify the
10 child or biological parents) and shall impose criminal
11 penalties on any person who makes an unauthorized
12 disclosure of such information;

13 (2) a State-approved professional working in a
14 licensed agency setting shall investigate the prospec-
15 tive adoptive parent of a child before the child is
16 placed with such parent for adoption;

17 (3) the courts of the State shall not finalize any
18 adoption before each party to the adoption proceed-
19 ing has submitted to the court all information relat-
20 ing to the costs incurred by or on behalf of the party
21 in connection with the adoption, including a list of
22 all payments, benefits, gifts, or other things of value;

23 (4) the State shall guarantee adequate legal
24 representation with respect to the adoption proceed-
25 ing to the biological mother of a child who is the

1 subject of such proceeding, if the parent wants sepa-
2 rate legal representation;

3 (5) if a child is placed with an individual pursu-
4 ant to a written plan of adoption before the adoption
5 occurs and such individual does not file a petition
6 for the adoption of the child with the appropriate
7 court during the 1-year period beginning on the date
8 the child is placed with such individual, such individ-
9 ual shall be barred from adopting the child; and

10 (6) with respect to each health benefit plan pro-
11 viding coverage to individuals in the State—

12 (A) each such plan provide coverage of
13 health expenses relating to pregnancy and child-
14 birth (but not including any expenses relating
15 to carrying out a surrogate parenting arrange-
16 ment)—

17 (i) upon the adoption of a child by an
18 individual enrolled in the plan, for the
19 child and for the biological mother of such
20 child, but only with respect to expenses in-
21 curred after the individual enrolled in the
22 plan furnishes written notice to the spon-
23 sor of the plan of the individual's intent to
24 adopt the biological mother's child, and

1 (ii) for any dependent child of an indi-
2 vidual enrolled in the plan; and

3 (B) the sponsor of such a plan may not ex-
4 clude, terminate, or otherwise limit coverage
5 under the plan with respect to the adopted child
6 of an individual enrolled in the plan on the
7 basis that such child has a pre-existing condi-
8 tion.

9 (b) DEFINITIONS.—For purposes of this section—

10 (1) the term “health benefit plan” means any
11 plan, fund, or program that provides medical care to
12 participants or beneficiaries directly or through in-
13 surance, reimbursement, or otherwise;

14 (2) the term “pre-existing condition” means
15 any disease, disability, disorder, impairment, or
16 other health condition; and

17 (3) the term “sponsor” means any entity in a
18 State providing a health benefit plan in a State.

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